The West Bengal Service Rules

Part I

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PREFACE TO 1948 EDITION

1. **Contents:** This volume incorporating the latest amendments therein contains rules relating to conditions of service (excluding pensions, compensatory allowances, medical attendance and conduct rules) of officers under the rule-making power of the Bengal Government. In view of section 242(4) of the Government of India Act, 1935, provisions relating solely to persons serving on the staff attached to the Calcutta High Court have been omitted.

This volume includes all amendments issued up to November 1st, 1948.

2. **Source of the rules:** The rules in this volume though formally made under section 241 of the Government of India Act are not intended to introduce any changes in the substance or effect of relevant existing rules. They are intended merely to reproduce, with adaptations where necessary, the existing rules applying to officers under the rule-making power of the Provincial Government as they stand at the date of the present compilation. They are thus derived from—

(a) Fundamental and Subsidiary Rules which continued in force after 1st April 1937 in virtue of section 276 of the Act;

(b) new rules (including amendments) made under section 241 of the Act between 1st April 1937 and 1st November 1948 and now incorporated in this volume.

The inclusion of rule 43 is a partial exception to this statement; the rule was decided upon by the Local Government in February 1937 and is now promulgated by direction under section 241(3)(a).

3. **Scope of the rules:** In so far as provision is not made by these rules for matters dealt with in Fundamental and Subsidiary Rules such matters will continue (in virtue of section 276 of the Government of India Act) to be regulated by the relevant Fundamental and Subsidiary Rules even as regards persons subject to the rule-making power of the Provincial Government; but it is intended, as such matters come to notice, to incorporate provisions in these rules.

4. **Extent of application:** (a) *"Ex-Secretary of State's" Offices*: None of these rules is applicable to pay, leave and pensions and general rights in regard to medical attendance of any person appointed by the late Secretary of State. For such persons the Governor-General alone is competent under section 247(b) to make rules, and in virtue of section 276 of the Act existing rules continue in force until modified.

The Provincial Government is competent to make rules as respects other conditions of service of "Ex-Secretary of State's Officers" under its administrative control in virtue of—

(a) the pre-existing power of Local Governments to make certain rules under the Fundamental Rules, when rules so made have continued in force under section 276;

(b) the power of the "Governor of the Province" under section 247(1) to make certain rules for such persons serving in connection with the affairs of the Province.

Though the present rules do not purport to be made under section 247, it may be generally assumed, for case of reference that rules in the present volume relating to joining time, occupation of residences and fees and honoraria are reproductions of rules made under due authority and applicable to "Secretary of State's Officers" unless the contrary appears from the context; but in any case of doubt reference should be made to the source of the rule which appears from Concordances printed in Appendices 9 and 10.

(b) *Persons who hold or have held reserved posts*: Paragraph 4(a) mutatis mutandis applies.

(c) *Other special cases*: There may be individuals to whom leave or other rules in Civil Service Regulations apply in virtue of their having exercised, or not exercised, a particular option when changes occurred. Such cases are not provided for in these rules as they will gradually disappear, and meantime will be dealt with individually.

(d) *Subordinate Ranks of the Police Forces*: Note 1 to rule 2 explains the position.

5. **Corrections and suggestions:** The Accountant-General and Heads of Departments are requested to bring to the notice of the Finance Department—

(a) any suggestion for corrections or additions;

(b) any case in which it appears that a change of substance has been made in the relevant rules as they stood on 1st November 1948.

B. B. DAS GUPTA,

Secretary to the Government of West Bengal,
Finance Department.

CALCUTTA:
Dated the 1st November 1948.

PREFACE TO 1964 EDITION

1. **Contents of the present volume:** The volume is being re-issued for administrative convenience. It contains the rules relating to the conditions of service (excluding pension, compensatory allowances and medical attendance) of officers under the rule-making power of the Government of West Bengal. The Conduct Rules of the West Bengal Government Servants have been separately issued under the proviso to Article 309 of the Constitution of India and are reproduced in Appendix 6 of these rules.

2. **Sources of the Rules:** The rule in this volume do not introduce any changes in the substance or effect of the relevant existing rules. They merely purport to reproduce, with adaptations where necessary, the existing rules applying to officers under the rule-making power of the Government of West Bengal as they stand at the date of the present compilation. They are thus derived from—

(a) The West Bengal Service Rules, Part I (corrected up to 1st November 1948) which continued in force even after the enactment of the Constitution of India by virtue of Article 313 of the said Constitution; and

(b) New rules (including amendments) made after the commencement of the Constitution of India under the proviso to Article 309 of the said Constitution read with Article 313 thereof and paragraph 19 the Adaptation of Laws Order, 1950.

3. **Extent of application:** (a) *Ex-Secretary of State's Officers and All-India Service Officers*: None of these rules is applicable to the pay, conduct, dismissal, removal or suspension, compulsory retirement, leave and general rights in regard to medical attendance of any person appointed to the All-India Services or the Ex-Secretary of State's Officer. For persons appointed to the All-India Services, the Central Government is competent to make rules in consultation with the State Government in all such matters under the All-India Services Act, 1951 (No. LXI of 1951). In respect of "Ex-Secretary of State's Officers", the rules which were immediately in force prior to the commencement of the Constitution of India continue to apply by virtue of Article 314 of the Constitution, except where modified by the Central Government.

The Central Government have not yet framed any rules relatng to joining time, occupation of residences and fees and honorarium for persons appointed to the All-India Services. Pending framing of any such rules by the Central Government, the rules in this Volume apply to such persons by virtue of the All-India Services (Conditions of Service—Residuary Matters) Rules, 1960 They also apply to the Ex-Secretary of State's Officers except to the extent prescribed in Fundamental Rules (as modified from time to time).

(b) *Subodinate ranks of the Police Forces*: Note 1 to the rule 2 explains the position.

4. **Comments and Suggestions:** The Accountant-General, West Bengal, and Heads of Departments and Officers are requested to bring to the notice of the Finance Department—

(a) any suggestion for corrections or additions;

(b) any case in which it appears that a change of substance has been made in the relevant rules as they stood on 29th February 1964.

J. L. KUNDU,

Additional Secretary to the Government of West Bengal,
Finance Department.

CALCUTTA:
The 4th March 1964.

PREFACE TO 1971 EDITION

1. **Contents:** This Volume incorporating the latest amendments therein is being reissued for administrative convenience. It contains the rules relating to the conditions of service (excluding pension, compensatory allowances and medical attendance) of officers under the rule-making power of the Government of West Bengal. The Conduct Rules of the West Bengal Government servants have been separately issued under the proviso to Article 309 of the Constitution of India and are reproduced in Appendix 6 of these rules.

2. **Sources of the Rules:** The rules in this volume do not introduce any changes in the substance or effect of the relevant existing rules. They merely purport to reproduce, with adaptation where necessary, the existing rules and orders, applying to officers under the rule-making control of the Government of West Bengal as they stand at the date of present compilation. They are thus derived from—

(a) The West Bengal Services Rules, Part I (corrected up to 1st April 1964);

(b) New rules (including amendments made after 1st April 1964) under Proviso to Article 309 of the Constitution; and

(c) Some executive orders which had not been issued in the form of rules.

3. **Extent of application:** (a) *All-India Services Officers and Ex-Secretary* of State's Officers.—None of these rules is applicable to the pay, conduct, discipline and appeal, compulsory retirement, leave and general rights regarding medical attendance of any person appointed to the All-India Services or Ex-Secretary of State's Officers. They are governed by the rules framed by Central Government under the All-India Services Act of 1951 (No. LXI of 1951), except to the extent covered by the re-existing provision in case of Ex-Secretary of State's Officers by virtue of the provisions contained in Article 314 of the Constitution. Where there is no provision in the rules made or deemed to have been made under the All-India Services Act of 1961 and until such rules are made, such matters shall be regulated by the rules applicable to officers of the State Service, Class I, subject to such exceptions and modifications as the Central State Service, Class I, subject to such exceptions and modifications as the Central Government may, after consultation with the State Government, by order in writing, make.

(b) *Subordinate ranks of the Police Forces.*—Note 1 to the rule 2 explains the position.

4. **Comments and Suggestions:** The Accountant-General, West Bengal, and Heads of Departments and Officers are requested to bring to the notice of the Finance Department—

(a) any suggestion for corrections or additions;

(b) any case in which it appears that a change of substance has been made in the relevant rules as they stood on 30th September 1971.

J. L. KUNDU,

Dated the 24th August 1971.

Financial Commissioner and Secretary, Finance Department.

PREFACE TO 1987 REPRINT

This volume is a reprint of the West Bengal Service Rules, Part I, incorporating amendments made up to October 15, 1987. In these rules a single asterisk mark indicates the amendments made prior to 1st October 1986 and a double asterisk mark those made during the period from October 1, 1986 to October 15, 1987.

2. Efforts have been made to update this volume as far as possible. However, the Accountant-General, West Bengal, and the Heads of Departments and other Offices are requested to bring to the notice of the Finance Department omissions, if any. Suggestions for corrections, additions and alterations are also welcome.

S. N. ROY,
Secretary to the Govt. of West Bengal,
Finance Department.

CALCUTTA :
Dated the 23rd September 1987.

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NOTIFICATION

No. 3857F., dated 15th August 1971.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor is pleased to make the following rules :

CHAPTER I—EXTENT OF APPLICATION

Short title and commencement.

1. **These rules may be called the West Bengal Service Rules, Part I. Except where it is otherwise stated, they shall be deemed to have come into force with effect from the 1st October 1971.**

To whom the rules apply.

2. **Subject to the provisions of the Constitution of India and except where it is otherwise expressed or implied, these rules apply to all members of services and holders of posts whose conditions of service the Government of West Bengal are competent to prescribe. Subject as aforesaid they also apply to—**

(i) any person for whose appointment and conditions of employment special provision is made by or under any law for the time being in force ;

(ii) any person in respect of whose service, pay and allowances or pension or any of them special provision has been made by an agreement made with him,

in respect of any matter not covered by the provisions of such law or agreement.

Note 1 : The conditions of service of the subordinate ranks of the various police force in West Bengal are determined by or under the Acts relating to those police forces respectively. Orders governing the application of these rules to the subordinate ranks of the police forces of West Bengal are issued by Government in the Home (Police) Department.

Note 2 : The position with relation to these rules of officers to whom Article 312 [and 314] of the Constitution of India apply is explained in the Preface.

Interpretations.

3. **The power of interpreting these rules is reserved to Government.**

Note 1 : Whenever in these rules a power is ascribed to Government only, that power may not, unless expressly provided by other rules, orders or notifications, be exercised except after consultation with the Finance Department.

Relaxations.

3A. **Nothing in these rules shall be construed to limit or abridge the power of the Governor to dispense with or relax the requirement of any of these rules to such extent and subject to such conditions as he may consider necessary for dealing with a case in a just and equitable manner.**

Abstaining from, or refusal of, work to be treated as absence without leave.

3B. Notwithstanding anything contained elsewhere in these rules or in any other rules for the time being in force, if a Government employee, being present at the place of his duty, abstains from work without permission or refuses to work at any time during the prescribed hours of work on any day, he shall, in addition to, being liable to such disciplinary action as may be taken against him for dereliction of duty, be deemed to be absent without leave for such day and shall not be entitled to draw any pay or allowances for such day.[1]

Resorting to strike.

3C. Notwithstanding anything contained elsewhere in these rules or in other rules for the time being in force:

(a) If any Government employee resorts to or in any way abets any form of strike for any period in connection with any matter pertaining to his service or the service of any other Government employee, he shall, in addition to being liable to such disciplinary action as may be taken against him in that connection, be deemed to be absent without leave during such period and shall not be entitled to draw any pay or allowance for that period,

(b) The authority empowered to grant leave may either commute retrospectively such period of absence without leave into extra-ordinary leave or may treat such period of absence without leave as amounting to a break in service entailing forfeiture of his previous service, and may pass orders accordingly.

Directions of Government.

3D. Where under these rules any authority has been given power to issue any order, the exercise of that power shall be subject to such directions as Government may from time to time issue in this behalf.[2]

Repeal and Savings.

4. Repeal and Savings: All rules, orders or notifications corresponding to these rules in force immediately before the commencement of these rules and applicable to Government employees to whom these rules apply are hereby repealed:

Provided that in respect of anything done, any act committed or any omission made before the commencement of these rules, the rules, orders or notifications which were in force when the thing was done, the act was committed or the omission was made shall be deemed to continue and to have always continued to apply.

CHAPTER II—DEFINITIONS

Definitions.

5. Unless there be something repugnant in the subject or context, the terms defined in this chapter are used in these rules in the sense here explained:—

(1) Apprentice means a person deputed for training in a trade or business with a view to employment in

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[1]Notification No. 3205-F, dated 19th October 1966, and No. 5242-F, dated 3rd December 1966.

[2]Notification No. 1539-F, dated 1st May 1968.

Government service, who draws pay at monthly rates from Government during such training, but who is not employed in or against a substantive vacancy in the cadre of a department. It includes a "recruit boy" enlisted in the Eastern Frontier Rifles.

****(2) Average pay means the average monthly pay earned during the 12 complete months immediately preceding the month in which the event occurs which necessitates the calculation of average pay:**

Provided that—

(a) in respect of any period spent on deputation (i) in Europe, (ii) elsewhere out of India under conditions declared by Government to be quasi-European, the pay which the Government employee would have drawn if on duty in India shall be substituted for the pay actually drawn;

(b) pay drawn in foreign service, less in the case of a Government employee paying his own contribution to leave-salary such part of pay as may be paid as such contribution, will count as pay for the purpose of this rule; and

(c) in the case of a Government employee on foreign service out of India lasting for more than 12 months, who, on reversion to service under Government, immediately takes leave under these rules, the calculation of average pay in respect of the leave earned while in Government service, shall be based on the pay drawn by him during the 12 or 36 complete months, as the case may be, preceding the month in which he was transferred to foreign service.

Note 1: **[Omitted]
****Note 2: [Omitted].**
****Note 3: [Omitted].**

Note 4: In the case of Government employees who are exempted from the payment of contribution towards leave-salary while in foreign service, leave-salary should be based on the actual pay in foreign service without regard to contribution which would have been payable but for the exemption.

**Note 5: See note below rule 176.

**Note 6: The definition of average pay will not apply in cases of drawal of leave salary while under re-employment under this Government.

(3) Basic pay means the pay, other than special pay and any other emoluments which may be specially classed as pay by Government or pay granted in view of personal considerations or qualifications, which has been sanctioned for a post held by a Government employee substantively or in an officiating capacity, or to which he is entitled by reason of his position in a cadre.

****(4) West Bengal State Services means those services and posts under the administrative control of the Government which have been classified as Group 'A', Group 'B', Group 'C', and Group 'D'.**

Note 1 : (a) Subject to the provisions of sub-paragraph (b), services or posts, Group 'A', Group 'B', Group 'C' and Group 'D', shall consist of the services or posts specified respectively against them in the Table below :—

TABLE

Sl. No.	Classification of posts and Services	Description of the service and post
1.	Group 'A'	All Government employees drawing pay or a scale of pay with the maximum above Rs. 1,170.
2.	Group 'B'	All Government employees drawing a pay or a scale of pay with a maximum of Rs. 1,170 or below but above Rs. 700.
3.	Group 'C'	All Government employees drawing pay or a scale of pay with a maximum of Rs. 700 or below but above Rs. 415.
4.	Group 'D'	All Government employees drawing a pay or a scale of pay with a maximum of Rs. 415 or below.

Provided further that the aforesaid classification of posts any other class of posts carrying any pay or scale of pay in a class of service consisting of posts or services carrying a higher pay or scale of pay :

****Provided further that the aforesaid classification of posts and services shall not interfere with other existing framework of duties, functions, responsibilities and facilities of Government employees on the basis of the existing classification.**

(b) If a service consists of posts with more than one time-scale or if there be a Selection Grade pay attached to a service or post, posts carrying the different time-scales or the Selection Grade pay may be classified in different services according to the pay or the maximum scale of pay of the post.

Explanation—

(a) "Pay" has the same meaning as in sub-clause (i) of clause (28) of rule 5 of these rules; and

****(b) Reference to "scales of pay" shall be construed as references to the unrevised scales of pay specified in the West Bengal Services (Revision of Pay and Allowance) Rules, 1970 or the West Bengal Services (Revision of Pay and Allowance) Rules, 1981, as the case may be, and "pay" should be construed accordingly.**

**Note 2 : [Omitted].

**Note 3 : Consequent on the abolition of the system of classification of Government employees under this rule making control of the State Government into gazetted and non-gazetted and Class I, II, III and IV and dividing all Government employees under the rule making control of the State Government into Groups namely Group A, Group B, Group C and Group D, it has been decided that all the employees under the State Government and under the rule making control of the State Government drawing pay or a scale of pay with the maximum above Rs. 1170 per month i.e. the State Government employees belonging to Group A will be authorised and competent to grant certificates which are required to be granted by gazetted officer or to attest papers where such attestation is required to be done by "gazetted officer" in other States or at the Centre. While granting certificates or attesting papers a Group A employee of the State Government will indicate his designation and further add that he belongs to Group A under the State Government.

**Note 4 : Consequent on the abolition of the system of classification of Government employees into Gazetted and non-Gazetted service, a question has been raised as to whether orders relating to the appointment, transfer, posting, etc., of the officers in Group A and Group B, the appointing authority in respect of whom is the Governor would continue to be issued in notification form and published in the "Calcutta Gazette".

It has been decided that orders may be issued in the form of notification, but unless there is a statutory stipulation requiring publication of notifications concerning appointment, transfer and leave of officers of Group A or Group B in the Official Gazette, printing of such notification in the Official Gazette need not be done;

(5) **[Omitted].**

(6) Cadre means the strength of a service or a part of a service sanctioned as a separate unit.

(7) **[Omitted].**

****(8) Clerical staff means those Government employees in Group 'B' and Group 'C' services and posts whose duties are entirely clerical and includes any other class of Government employees specially defined as such by order of the Government.**

Note 1 : The classes of Government employees that have been defined as members of the clerical staff are given in Appendix 2.

(9) **Compensatory allowance means an allowance granted to meet personal expenditure necessitated by the special circumstances in which duty is performed. It includes a travelling allowance and an allowance granted to a medical Government employee who is denied the privilege of private practice but it does not include the grant of a free passage by sea to or from any place outside India.**

(10) **Day means a calendar day beginning and ending at midnight, but an absence from headquarters which does not exceed 24 hours shall be reckoned for all purposes as one day, at whatever hours the absence begins or ends.**

(11) **Duty includes—**

(a) Service as a probationer or apprentice, provided that such service is followed by confirmation.

Note : Service as a probationer is "Suigeneris"—neither substantive nor officiating. A Government employee who is recruited as a probationer with a view to substantive appointment to the cadre of a service or department does not, therefore, acquire a lien on a post in that cadre until he is confirmed in the service or department.

(b) Joining time.

*Note : If a Government employee on return from leave, deputation, foreign service or while on transfer or on reinstatement after suspension or on similar other occasion, is compelled to wait for order of posting under circumstances beyond his control, Government may treat the period of such compulsory waiting as a period of duty.

The authority making an order in this behalf shall record the reasons for which delay in issue of the order of posting could not be avoided.

**During such period the Government employee concerned shall be allowed to draw pay and allowances at the rates which would have been admissible to him had he remained on duty in his old post or the pay and allowances which he will draw on taking over charge of his new post, whichever is less.

****(c) [Omitted].**

(d) The period spent on a duly authorised course of instruction or training in India including the time reasonably required for the journeys to and from the place of instruction or training.

Note 1 : An officer appearing at a departmental examination ordered to go direct from the place of examination to settlement camp for training shall be considered to be on duty during the period between the conclusion of his examination and the date on which he joins the settlement camp.

(e) In the case of a student, stipendiary or otherwise, who is entitled to be appointed to the service of Government on passing through a course of training at a University, College or School in India, the interval between the date on which the final qualifying examination passed by him ends and the date on which he assumes his duties, provided he assumes his duties within such time as may be prescribed by the appointing authority.

(f) In the case of an officer permitted to appear at an optional examination prescribed by Government in any of the oriental languages the reasonable period occupied in the journey to and from the place of examination and the day or days of the examination in addition to the time allowed for preparation.

(g) In the case of an officer required to attend an obligatory departmental examination the reasonable time required for the journey to and from the place of examination and the day or days of the examinations.

(h) In the case of an officer permitted to present himself at any examination which must be passed before a person is eligible for a higher subordinate appointment in any service, the number of days actually necessary to enable him to attend at the examination subject to the condition that this concession is not allowed more than twice for each standard of examination.

(i) and (j) [Omitted.]

(k) In the case of a relieving officer of the Departments of Public Works, Irrigation and Waterways or of any other department specifically entrusted by Government with the work of construction and/or maintenance of roads, buildings, bridges, etc., when the charge to be transferred consists of several scattered works which the relieving and relieved officers are required by the orders of a superior officer to inspect together, the period

taken in carrying out these inspections provided it is not considered by the Superintending Engineer or other superior authority to be excessive.

(l) [Omitted.]

Note.—No leave can be treated as duty for the purpose of any of these rules unless the contrary is expressly stated therein.

(12) **Fee means a recurring or non-recurring payment to a Government employee from a source other than the consolidated fund of India or of a State or of a Union Territory whether made directly to the Government employee or indirectly through the intermediary of Government.**

(13) **Foreign service means service in which a Government employee receives his pay with the sanction of Government from any source other than the consolidated fund of India or the consolidated fund of a State or the consolidated fund of a Union Territory.

(14) **Government means the Government of West Bengal.**

(15) **Government employee in permanent employ means a Government employee who holds substantively a permanent post or who holds a lien on a permanent post or who would hold a lien on such a post had the lien not been suspended** or who is confirmed and made permanent in terms of West Bengal Service (Appointment, Probation and Confirmation), Rules, 1979.**

(16) **Head of Departments are Government employees declared to be such by Government.**

Note.—A list of Heads of Departments is contained in Appendix No. 1.

(16A) **Head of Offices are Government employees declared to be in administrative charge of an office or establishment. It also includes the "Head of a Department" if he himself is the Head of an office or establishment.**[1]

(17) **Holiday means—**

(a) a holiday prescribed or notified by or under Section 25 of the Negotiable Instruments Act, 1881 as amended by Act No. XXXVII of 1955, and

(b) in relation to any particular office, a day on which such office is ordered to be closed, by notification of Government or of the High Court, as the

[1]Corrigendum No. 3751F, dated the 5th October 1966.

case may be, in the "Calcutta Gazette", for the transaction of public business without reserve or qualification.

(18) Honorarium means a recurring or non-recurring payment granted to a person from revenues as remuneration for special work of an occasional character.[1]

(19) [Omitted.]

(20) Joining time means the time allewed to a person under the conditions prescribed in Chapter XI of these rules to enable him—

(a) to join the post to which he has been appointed, or

(b) to proceed on leave from a remote station which is not easy of access.

**(21) (a) [Omitted.]

**(b) [Omitted.]

**(22) Leave salary means the monthly amount paid by Government to a Government employee on leave.

(23) Lien means the title of a Government employee to hold substantively, either immediately or on the termination of a period or periods of absence, a permanent post, including a tenure post, to which he has been appointed substantively.

Note.—Vide note below, sub-rule (11) (a) of Rule 5.

(24) Local Fund means—

(a) revenues administered by bodies which by law or rule having the force of law, come under the control of Government, whether in regard to proceedings generally or to specific matters, such as the sanctioning of their budgets, sanction to the creation or filling up of particular posts, or the enactment of leave, pension or similar rules; and

(b) the revenues of any body which may be specially notified as such by the President or by the Governor, as the case may be.

(25) Month means a calendar month. In calculating a period expressed in terms of months and days, complete calendar months, irrespective of the number of days in each should first be calculated and the odd number of days calculated subsequently.

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[1] Notification No. 289F, dt. 18th January 1965.

Note 1.—In calculating a period of say 3 months and 20 days from 25th January, 3 months should be taken as ending on 24th April, and 20 days on 14th May. In the same way the period from 30th January to 2nd March should be reckoned as 1 month and 2 days, because one month from 30th January ends on 28th February.

(26) Officiate—A Government employee officiates in a post when he performs the duties of a post on which another person holds a lien, or when he is appointed by the authority competent to make a substantive appointment to the post to officiate in a vacant post on which no other person holds a lien :

Provided that in the circumstances regulated by rule 39, 68 or 100, a Government employee may be appointed to officiate in a post without actually performing the duties of the post.

(27) [Omitted.]

(28) Pay means the amount drawn monthly by a Government employee as—

(i) the pay, other than special pay or pay granted in view of his personal qualifications, which has been sanctioned for a post held by him substantively or in an officiating capacity, or to which he is entitled by reason of his position in a cadre ; and

(ii) special pay and personal pay ; and

(iii) any other emoluments which may be specially classed as pay by Government.

(29) Permanent post means a post carrying a definite rate of pay sanctioned without limit of time.

(30) Personal pay means additional pay granted to a Government employee—

(a) to save him from a loss of substantive pay in respect a permanent post other than a tenure post, due to a revision of pay or to any reduction of such substantive pay otherwise than as a disciplinary measure ; or

(b) in exceptional circumstances, on other personal considerations.

(31) *Presumptive pay of a post, when used with refarence to any particular Government employee,* **means the pay to which he would be entitled if he held the post substantively and were performing its duties ; but it does not include special pay unless the Government employee performs or discharges the work or responsibility, or is exposed to the unhealthy conditions, in consideration of which the special pay was sanctioned.**

(32) *Probationer* **means a Government employee employed on trial in or against a substantive vacancy in the cadre of a department.**

Note—Vide Note below Clause (a) of sub-rule (11) of Rule 5.

(33) *Special pay* **means an addition, of the nature of pay, to the emoluments of a post or of a Government employee granted in consideration of—**

(a) the specially arduous nature of the duties ; or

(b) a specific addition to the work or responsibility ; or

(c) the unhealthiness of the locality in which the work is performed.

Note—Deputation allowance granted to officers of this Government sent out on deputation is classed as "special pay" within the meaning of this rule and shall be deemed as pay as defined in rule 5(28) ibid.

(34) *Subsistence grant* **means a monthly grant made to a Government employee who is not in receipt of pay or leave salary during a period of suspension.**

(35) *Substantive pay* **means the pay other than special pay, personal pay or emoluments classed as pay by Government under sub-clause (iii) of clause (28) of this rule, to which a Government employee is entitled on account of a post to which he has been appointed substantively or by reasons of his substantive position in a cadre.**

(36) **[Omitted.]**

(37) *Temporary post* **means a post carrying a definite rate of pay or monthly honorarium sanctioned for a limited time.**

(38) *Tenure post* **means a permanent post which an individual Government employee may not hold for more than a limited period.**

Note—If a question arises whether a post is or not a tenure post, the decision of Government thereon will be final.

(39) **(a)** *Time-scale pay* **means pay which, subject to any conditions prescribed in these rules, rises by periodical increments from a minimum to a maximum.**

(b) Time-scales are said to be identical if the minimum, the maximum, the period of increment and the rate of increment of the time-scales are identical.

(c) A post is said to be on the same time-scale as another post on a time-scale if the two time-scales are identical and the posts fall within a cadre, or a class in a cadre, such cadre or class having been created in order to fill all posts involving duties of approximately the same character or degree of responsibility in a service or establishment or group of establishments; so that the pay of the holder of any particular post is determined by his position in the cadre or class and not by the fact that he holds that post.

(40) *Transfer* **means the move of a Government employee from one place to another or from one post to another, either—**

(a) to take up the duties of a new post; or

(b) in consequence of a change of his headquarters.

(41) *Travelling allowance* **means an allowance granted to a Government employee to cover the expenses which he incurs in travelling in the interest of the public service. It includes allowances granted for the maintenance of conveyances, horses and tents.**

(42) A *vacation department* **is a department or part of a department to which regular vacations are allowed during which Government employees serving in the department are permitted to be absent from duty. In case of doubt as to whether a Government employee is serving in a vacation department or not, the decision of Government shall be final.**

Note I.—The following classes of Government employees serve in vacation departments when the conditions of this sub-rule are fulfilled :—

(i) Judicial Officers.

(ii) Educational Officers in teaching institutions and their establishments.

(iii) All Professors|Associate Professors|Readers|Assistant Professors|Lecturers (excepting one) of the Departments of Anatomy, Physiology of the Calcutta Medical College, Nilratan Sircar Medical College, Calcutta and B. S. Medical College, Bankura.†

†The selection of the officers under item (iii), who will remain as non-vacation department officers will be made by the Principals of the Medical Colleges concerned.

(iv) All Demonstrators excepting two of the Departments of Anatomy of the Calcutta Medical College, Nilratan Sircar Medical College, Calcutta and Bankura Sammilani Medical College, Bankura.†

(v) All Demonstrators of Chemistry excepting one of the Calcutta Medical College, Nilratan Sircar Medical College, Calcutta and Bankura Sammilani Medical College, Bankura.†

†The selection of officers under terms (iv) and (v) who will remain as non-vacation department officers will be made by the Principals of the Medical Colleges concerned.

(vi) Teachers and Demonstrators of the Pharmacy Training Centre, Jalpaiguri, excepting the seniormost teacher who acts as ex officio Deputy Superintendent of the Institution and the teacher who acts as the Superintendent of Students' hostel.

(vii) Epidiascope Operators of Medical Colleges.

(viii) Officers of the Bengal Veterinary College connected with teaching work including the Demonstrators except those entrusted with hospital duties, work in the farms and extension duties.

(ix) Official Assignee, West Bengal.

(x) Official Receiver, High Court, Calcutta.

(xi) Deputy Sheriff, High Court, Calcutta.

(xii) Members of Class III and Class IV Services belonging to the office of the Sheriff of Calcutta subject to the following conditions viz.—

(a) the pre-1931 and post-1931 employees of the Sheriff's office shall come under the leave rules applicable to the corresponding categories of employees of the Government, and

(b) leave earned or availed of before the 20th December, 1948 may be disregarded.

(xiii) Any other class of Government employee which Government may declare to be so serving.

Note 2.—District and Sessions Judges, Judges of the City Civil and Sessions Court, Calcutta and the Chief Judge, Small Causes Court, Calcutta, are not treated as belonging to a Vacation Department.

Rate of Exchange

6. Unless it be expressly stated to the contary, where a reference occurs in these rules to a rate of exchange between sterling and rupees which the Government may by order prescribe, such rate shall, until further orders, be the rate notified by the Ministry of Finance, Government of India, for telegraphic transfers from Calcutta to London on the 20th of the month preceding that in which the relevant payment or recovery is made.

CHAPTER III—GENERAL CONDITIONS OF SERVICE

Age on first appointment

7. **Except as otherwise provided by rule, no person whose age exceeds twenty-five years may be admitted into the service of Government.**

Note.—This rule does not apply to the employment in Civil capacities of reservists and pensioners of the Indian Army.

Condonation of excess in age on first appointment.

8. **Heads of Departments may, in exceptional cases where they or their subordinate officers are competent to make the appointment, and for reasons to be recorded in writing, condone an excess in age over the prescribed limit.**

Declaration of age, duties and function of appointing authorities.

9. **(1) Every applicant for Government service shall at the time of and for the purpose of, entry into Government service submit to the appointing authority a declaration in the form set out in Note 1 below stating the year, month and date of his birth or where the date of birth is not known or both the month and the date of birth are not known, the year and the month, or only the year of birth, as the case may be. The declaration so made shall be binding on the applicant and he shall have no right to revise it subsequently for any reason whatsoever.**

(2) The applicant shall produce evidence in support of his declaration. If the applicant has passed the Matriculation or the School Final or the Higher Secondary Examination, the certificate of having passed the examination, indicating the applicant's age, granted by the University or Board holding the examination shall be produced. In any other case, the applicant shall produce other reliable evidence of his age. Wherever possible, an extract from the register of births maintained by a local authority, showing the date of the applicant's birth, shall be produced.

(3) The appointing authority shall consider the declaration made by the applicant under sub-rule (1) and the evidence produced in support thereof and pass an order fixing the year, month and date of his birth. In doing so, the appointing authority shall, in the case of an applicant selected by the Public Service Commission, also take into consideration the year, month and date of birth declared by the applicant in the application form submitted by him to the Public Service Commission and accepted by them.

(4) Where the appointing authority is not the Government and the year or month or date of birth proposed to be fixed under sub-rule (3) is different from the year or date of birth of the applicant recorded in his Matriculation or School Final or Higher Secondary Examination Certificate or recorded in the register of births maintained by any local authority, or accepted by the Public Service Commission, the appointing authority shall submit the case with its recommendation to the Government and thereupon final orders shall be passed by the Government in this behalf.

(5) The appointing authority or, where the final order fixing the year, month and date of birth of a Government employee has been passed by the Government, the Government, may at any time for sufficient reasons review the order fixing the year, month and date of birth and modify the same, provided that the year, month and date of birth shall not be modified to the disadvantage of the Government employee unless he has been given an opportunity of making any representation which he may wish to make against the proposed action.

(6) When, under this rule, only the year of birth is declared and accepted, the 1st day of July of that year and where the year and month are declared and accepted, the 16th day of the month in question shall be taken as the date of birth.

Note 1.—The declaration under sub-rule (1) shall, as nearly as may be, in the following form :

Form I

(To be used where the year, month and date of birth are known.)

I,.....,having been selected for appointment in Government service, do hereby declare that I was born at ..... (birth-place) on ..... (date, month and year). I also annex herewith the following documents in support of the statement :—

2. I do further declare that the year, month and date of birth as recorded herein are binding on me and I shall not ask for any modification thereof at any subsequent date.

Place.....

Date.....

Signature.

3. Orders of the appointing authority|Government.

Form II

(To be used where only the year and month, or only the year of birth are or is known).

I, ..., having been selected for appointment in Government service, do hereby declare that I was born at.....(birth-place) in.....(year)|in .....(month) of.....(year). I also annex herewith the following documents in support of the statement :—

2. I do also declare that the month and date of birth|date of birth are|is not known to me, the reasons whereof are briefly stated below :—

3. I do further declare that the year|year and month of birth as declared herein is|are binding on me and I shall not ask for any modification thereof at any subsequent date.

N.B.—Portions not applicable in this form shall be scored out under the signature of the applicant.

4. Orders of the appointing authority|Government.

**Note 2.—Date of birth as finanlly accepted under this rule shall be recorded in the Service Books|Records of the Government employee concerned both in words and figures under proper attestation by the competent authority with reference to documentary evidence in support of the same.

****L. R.'s decision**—For the purpose of rectification and correction of the age of the Government employee neither the affidavit sworn in this respect nor the report of the ossification test which indicates only an approximate and not an accurate result would be accepted as reliable evidence within the meaning of sub-rule (2) of the aforesaid rule.

Appointment on medical certificate of fitness.

10. Subject to the provisions of Rule 11 and of any special rules regulating his recruitment, no person shall be appointed to a post in Government service without a medical certificate of fitness.

Medicl Cortificate of fitness.

11. The following classes of Government employees are exempted from producing a medical certificate of fitness as required under rule 10—

(a) A person not in permanent employ appointed temporarily for a period of less than six months:

Provided that if the temporary appointment for less than six months is subsequently extended or is likely to be extended beyond six months, the person concerned shall be required to furnish the requisite certificate of fitness before the expiry of six months from the date of his first appointment.

(b) A temporary Government employee who has once been medically examined either under rule 10 and under sub-rule (a) of this rule, if—

(i) transferred subsequently, without any break in service, to hold, either on an officiating or on a temporary basis, a post in another office or cadre; or

(ii) appointed substantively, whether on probtion or otherwise, to a permanent post under Government, provided that it shall always be open to the appointing authority to insist on a subsequent medical examination, prior to confirmation, if he so deems necessary.

(c) A Government employee already appointed substantively, whether on probation or otherwise, to a permanent post in Government service on the production of a medical certificate of fitness under rule 10, if promoted or transferred to another post in Government service ; and

(d) A retired Government employee re-employed after retirement.

Note 1.—"Temporary appointment" as used in sub-rule (a) of this rule refers not merely to service rendered in temporary posts but also to officiating appointments in or against permanent posts. Such service may be either the same or in different posts provided there is no break.

Note 2.—A person not in permanent employ, if transferred to another office whether on a substantive or on an officiating or temporary basis, shall obtain from the Head of the office from which he is transferred, a certificate showing the period of his continuous service from the date of his first appointment under Government and whether the requisite medical certificate of fitness had already been produced.

Note 3.—It is not necessary to affix the medical certificate of fitness obtained under rule 10 or under rule 11 to the first pay bill of a Government employee. A certificate to the effect that the medical certificate in the prescribed form has been obtained in respect of the Government employee shall however, be furnished to Audit along with the first pay bill of the Government employee. The procedure for furnishing this certificate in respect of Group A and Groups B, C and D officers shall be as follows :

(i) in respect of a Group A officer, a certificate furnished by the competent authority to whom the medical certificate has been submitted shall be attached to the first pay bill,

(ii) in respect of a Group B, C or D officer, the drawing and disbursing officer shall furnish such certificate along with the first pay bill of the Government employee concerned. [1]

12. **The production of a medical certificate of fitness is necessary when—**

(a) a Government employee is promoted from non-qualifying service paid from a local fund to a post in superior Government service ;

(b) a person is re-employed after resignation, or forfeiture of past service.

Note—When a person is re-employed in circumstances other than those referred to in clause (b), the appointing authority shall decide whether a medical certificate should be produced.

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[1] Notification No. 131F., dated 16th January 1967 .

13. Except as otherwise provided by rule, the medical certificate of fitness referred to in this chapter shall be in the following form—

"I hereby certify that I have examined A. B., a candidate for employment in the ..... Department, and cannot discover that ..... has any disease, (communicable or otherwise) constitutional weakness or bodily infirmity, except ..... I do not consider this a disqualification for employment in the office of ..... A. B.'s, age is according to his own statement..... years, and by appearance about ..... years."

14. Except as otherwise provided by rule, the certificate referred to in rule 13 shall be obtained—

(a) in the case of a candidate for employment in a Group 'A' post, from the Medical Committee to be assembled under the orders of the Administrative Medical Officer of the State; and

(b) in other cases—

(i) in districts, from the District Medical Officers or such other medical officers below the District Medical Officers as Government may, by order, so prescribe; and

(ii) in Calcutta, from the Presidency Surgeons as are specially authorised to grant such certificates:

Provided that in the case of a candidate to be appointed to a post in Group D service, the appointing authority may accept a certificate signed by a registered medical practitioner.

Whole-time at the disposal of Government.

15. Unless in any case it be otherwise distinctly provided the whole time of a Government employee is at the disposal of the Government which pays him and he may be employed in any manner required by proper authority, without claim for additional remuneration, whether the services required of him are such as would ordinarily be remunerated from general revenues, from a local fund or from the funds of a body corporate owned or controlled by the Government.

Limitations in making substantive appointment.

16. (1) Two or more Government employees cannot be appointed substantively to the same permanent post at the same time.

(2) A Government employee cannot be appointed substantively to two or more permanent posts at the same time.

(3) A Government employee cannot be appointed substantively to a post on which another Government employee holds a lien.

Lien.

17. Unless in any case it be otherwise provided in these rules, a Government employee on substantive appointment to any permanent post acquires a lien on the post and ceases to hold any lien previously acquired on any other post.

18. **In the case of a Government employee who holds no lien on any appointment except that which is abolished the abolition of the appointment may be deferred till such leave as was admissible to him immediately before the abolition of the appointment and as may be granted has terminated.**

Note.—This rule does not apply to a person having no lien on a permanent post.

19. **Unless his lien is suspended under rule 20 or transferred under rule 23, a Government employee holding substantively a permanent post retains a lien on that post—**

(a) while performing the duties of that post;

(b) while on foreign service, or holding a temporary post, or officiating in another post;

(c) during joining time on transfer to another post; unless he is transferred substantively to a post on lower pay, in which case his lien is transferred to the new post from the date on which he is relieved of his duties in the old post;

(d) while on leave; and

(e) while under suspension.

**Note.—Omitted.

**Note 1.—An employee confirmed by the competent authority in accordance with the provisions of the West Bengal Services (Appointment, Probation and Confirmation) Rules, 1979, does not hold any lien on a permanent post. To safeguard the interest of such employees they shall be deemed to have lien for all purpose.

**Note 2.—The following procedure should be followed in respect of Government employees working in a particular department|office who apply in response to advertisements or circulars inviting applications for posts in other departments|offices of the State Government :—

(i) the applications may be forwarded in accordance with the instructions irrespective of whether the post applied for in the other department|office is permanent or temporary,

(ii) in the cases of permanent Government employees their lien may be retained in the parent department|office for a period of two years. They should either revert to the parent department|office at the end of that period or resign from parent department|office on expiry of that period. An undertaking to abide by these conditions may be taken from them at the time of forwarding the applications to other departments|offices,

(iii) as for temporary employees, they shall as a matter of rule, be asked to resign from the parent department/office at the time of release from the parent department/office. An undertaking to the effect that they will resign from the parent department/office in the event of their selection and appointment to the post applied for, may be taken from them at the time of forwarding the application,

(iv) in exceptional cases where it would take some time for the other department/office to confirm such Government employees due to the delay in converting temporary posts into permanent ones, or due to some other administrative reasons, the permanent Government employees may be permitted to retain their lien in the parent department/office for one year more. While granting such permission, a fresh undertaking similar to the one indicated in sub-paragraph (ii) may be taken from the permanent Government employees by the parent department/office.

20. **(1) The lien of a Government employee on a permanent post which he holds substantively shall be suspended if he is appointed in a substantive capacity—**

(a) to a tenure post, or

****(b) Omitted.**

(c) provisionally, to a post on which another Government employee would hold a lien had his lien not been suspended under this rule.

(2) The lien of a Government employee on a permanent post which he holds substantively may be suspended if he is deputed out of India or transferred to foreign service, or, in circumstances not covered by sub-rule (1), is transferred on officiating capacity, to a post in another cadre, and if in any of these cases there is reason to believe that he will remain absent from the post on which he holds a lien for a period of not less than three years.

(3) Notwithstanding anything contained in sub-rules (1) and (2), a Government employee's lien on a tenure post may in no circumstances be suspended. If he is appointed substantively to another permanent post, his lien on the tenure post must be terminated.

(4) If a Government employee's lien on a post is suspended under sub-rule (1) or (2), the post may be filled substantively, and the Government employee appointed to hold it substantively shall acquire a lien on it; provided that the arrangements shall be reversed as soon as the suspended lien revives.

**Note 1.—Unless any rule or order otherwise directs, this sub-rule shall apply if the post concerned is a post in a Selection Grade of a cadre.

**Note 2.—When a post is filled up substantively under this sub-rule, the appointment shall be termed a provisional appointment. The Government employee appointed shall hold provisional lien on the post and that lien shall be liable to suspension under sub-rule (1), but not under sub-rule (2), of this rule.

(5) A Government employee's lien which has been suspended under sub-rule (1) shall revive as soon as he ceases to hold a lien on a post of the nature specified in that sub-rule.

(6) A Government employee's lien which has been suspended under sub-rule (2) shall revive as soon as he ceases to be on deputation out of India or on foreign services or to hold a post in another cadre, provided that a suspended lien shall not revive because the Government employee takes leave if there is reason to believe that he will, on return from leave, continue to be on deputation out of India or on foreign service or to hold a post in another cadre and the total period of absence on duty will not fall short of three years or that he will hold substantively a post of the nature specified in sub-rule (1).

**Note 1.—When it is known that a Government employee on transfer to a post outside his cadre is due to retire on superannuation pension within three years of his transfer, his lien on the permanent post shall not be suspended.

**Note 2.—The operation of this rule shall be restricted in such a way so as to permit only one provisionally substantive appointment against one post. As such the lien acquired by a Govrnment employee, on his appointment in a provisionally substantive capacity under sub-rule (4), shall not in future be suspended if he is deputed out of India or is transferred to a post of the nature specified in sub-rule (2).

21. (1) Except as provided in sub-rules (2) and (3) of this rule a Government employee's lien on a post may, in no circumstances, be terminated, even with his consent, if the result will be to leave him without a lien or a suspended lien upon a permanent post.

(2) Notwithstanding the provisions of sub-rule (1) of rule 20, the lien of a Government employee holding substantively a permanent post shall be terminated on his appointment as the Chairman or any other member of the Union Public Service Commission or as the Chairman or any other member of a State Public Service Commission.

(3) A Government employee's lien on a post shall stand terminated on his acquiring a lien on a permanent post whether under the Central Government or a State Government outside the cadre on which he is borne.

Note.—It is clarified that the provisions of rule 21 shall apply so long a Government employee remains in Government employment. Obtaining consent of the Government employee to the termination of his lien is necessary in certain circumstances where he is to be confirmed in another post under Government.

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Such consent is not necessary in cases where the Government employee ceases to be a Government employee. Where a Government employee is proposed to be absorbed in non-Government service permanently in public interest, Government employee concerned shall be asked to resign his appointment under Government with effect from the date of such permanent absorption and the lien will stand automatically terminated with the cessation of Government service.

In all cases where a Government employee is to be absorbed permanently by the foreign employer under his organisation, it shall be incumbent on him to consult the parent employer before issuing orders absorbing the Government employee permanently in service. The orders of permanent absorption shall be issued only after the resignation of the Government employee has been accepted by the Government and with effect from the date of such acceptance.

22. **[Omitted.]**

23. **Subject to the provision of rule 24, the lien of a Government employee who is not performing the duties of the post to which the lien relates, even if that lien has been suspended, may be transferred to another permanent post in the same cadre.**

24. **(1) A Government employee may be transferred from one post to another:**

Provided that, except (i) on account of inefficiency or misbehaviour, or (ii) on his written request, he shall not be transferred substantively to, or except in a case covered by rule 65, appointed to officiate in, a post carrying less pay than the pay of the permanent post on which he holds a lien, or would hold a lien had it not been suspended under rule 20:

Provided further that unless the transfer is from one cadre post to another, the post to which a Government employee may be transferred shall be a post (i) which carries a scale of pay comparable to that of the post presently held by the Government employee, (ii) for which the Government employee possesses at least the minimum of the prescribed qualifications, and (iii) in the recruitment rules for which there is no bar to the appointment of the Government employee to the post by transfer. [1]

(2) Nothing in sub-rule (1) of this rule or in clause (23) of rule 5 shall operate to prevent the retransfer of a Government employee to the post on which he would hold a lien, had it not been suspended in accordance with the provisions of sub-rule (1) of rule 20.

Note.—When a Government employee is transferred substantively on account of his inefficiency or misbehaviour, to a post carrying less pay than the pay of the permanent post on which he holds a lien or would have held a lien had it not been suspended under rule 20, the appointing authority, may in the case of non-availability of a vacancy in the service, grade or time-scale to which the Government employee is transferred,

[1]Notification No. 3571F/1R-18(36)/61 dated 5th October 1967.

create a permanent supernumerary post in the lowest service, grade or time-scale to provide a lien to the Government employee concerned; but the higher post vacated by the Government employee shall not be filled up either substantively or otherwise, for so long as it is necessary to provide the reduced officer with a lien on the supernumerary post in the lower service, grade or time-scale. After the Government employee has been accommodated against a substantive vacancy available in the lower service, grade or time-scale the supernumerary post shall be abolished and the higher post filled up in the usual way.

Subscription to Provident Fund and other similar Funds.

25. **A Government employee may be required to subscribe to a provident fund, a family pension fund or other similar fund in accordance with such rules as Government may by order prescribe.**

Drawal of pay-date of its commencement and end.

*26. **Subject to any exceptions specifically made in these rules, an officer shall begin to draw the pay and allowances attached to the post held by him with effect from the date when he assumes the duties of the post and shall cease to draw them as soon as he ceases to discharge those duties:**

Provided that an officer who is absent from duty without authority on any day or part of the day shall not be entitled to draw any pay or allowance for that day.

Note.—A Government employee will begin to draw the pay and allowances attached to the post held by him with effect from the date on which he assumes the duties of that post, if the charge is transferred before noon of that date. If the charge is transferred in the afternoon he commences to draw them from the following day.

27. **[Omitted.]**

Charge of office

28. **Unless for special recorded reasons of a public nature the Head of a Department under whose orders the transfer takes place permits or requires it to be made in any particular case elsewhere, or otherwise, the charge of an office must be made over at its headquarters both the relieving and the relieved officers being present.**

Note 1.—The condition that both the relieving and relieved officers must be present is not enforced in the case of officers who are permitted to combine vacation with leave under rule 171 in such cases the following procedure has been laid down :—

(a) When vacation is prefixed to leave the outgoing officer will report before leaving the headquarters or if for urgent reasons the leave is granted during vacation, as soon as it is granted, that he makes over charge with effect from the end of the vacation. The relieving officer will then take over charge at the end of the vacation in the ordinary way;

(b) when vacation is affixed to leave the officer to be relieved will make over charge in the ordinary way before the vacation, the incoming officer on return at the end of the vacation taking over charge with effect from the beginning of the vacation.

Note 2.—A Deputy Director, State Statistical Bureau, West Bengal, may transfer any Assistant Investigator (field), Assistant Computor, Orderly, Peon and other fourth grade staff under him within his jurisdiction.[1]

Headquarters term defined.

29. The headquarters of a Government employee shall be in such place as the Head of a Department may prescribe and are in the absence of any orders to the contrary, the station where the records of his office are kept.

Note 2.—Deputy Inspector-General of Police may change the headquarters of Government employees under them provided that such changes are temporary and that the Inspector-General of Police is informed.

Obligation to stay at Headquarters.

29A. A Government employee should ordinarily reside at the Headquarters of the Station to which he is for the time being posted. He may, however, be permitted by the head of his office, for sufficient reasons, such as difficulties in securing accommodation at headquarters and for other good reasons, to reside outside his headquarters, provided that his normal official duties do not suffer thereby. In such cases, however, the Government employee concerned shall intimate in writing his place of residence to the head of his office, who may however, require him to stay at his headquarters at any time and for any period if it is considered necessary in public interest.[2]

Journey beyond the limits of charges.

30. No Government employee is entitled to pay or allowance for any time he may spend beyond the limits of his charge without proper authority.

Note.—A police officer acting within his legal powers or an Excise Officer acting under the orders of the Collector or other superior authority is deemed to be duly authorised to remain beyond the limits of his charge for the purpose of this rule.

31. A Head of a Department may athorise any Government employee under his administrative control to proceed on duty to any part of the territory of India, whether within or beyond his own jurisdiction.

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[1]Notificati n No. 559F., dated 20th February 1968.

[2]Nhtification No. 2804F., dated 5th August 1969.

Note 1.—The Inspector-General of Police or the Commissioner of Police should continue to obtain previous sanction of Government to the deputation of recruiting parties beyond the State.

Note 2.—A Government employee permitted under this rule to proceed to any place on duty may take with him such establishment and records as are absolutely necessary for the efficient discharge of his duties.

Note 3.—Subordinate Judges may be temporarily posted to hold court at another station in conformance with the following principles—

(i) Such an order of temporary posting which has the effect of treating the officer as on tour for the purpose of the rules regulating Travelling Allowance should only be passed when an aditional court is temporarily added to the permanent staff of a station in order to assist the permanent officer of the place in dealing with increase of work there.

(ii) An order of transfer should be made when there is to be a charge of personnel or when the officer is not expected to return to the post from which he is transferred or when he is expected to occupy the post to which he is transferred for 3 months or more. In such cases a temporary post will be made.

(iii) No order of temporary posting should be passed when it is proposed to post in place of the officer transferred a substitue other than a probationary Munsif who is already under training at the headquarters station.

**Note 4.—Sanction of tours outside the State by issue of a Government Order shall not be necessary provided such tours including air journeys by officers entitled to travel by air are made with the prior approval of the Controlling Officer and that the travelling allowance bills for such journeys shall be accompanied by tour diaries approved by the Controlling Officers.

32. **Under the general or special orders of Government, a Government employee may be authorised to proceed beyond his jurisdiction to attend a non-official conference.**

33. **An authority declared by Government to be a controlling officer for the purpose of travelling allowance may allow any Government employee subordinate to him to proceed on duty to any part of the State or to a district adjoining the jurisdiction of the controlling officer and to draw travelling allowance under rule.**

Note.—A list of Controlling Officers is contained in Appendix No. 2 to the West Bengal Service Rules, Part II.

Maximum period of continuous absence from duty.

****34. (1) Unless the Governor, in view of the exceptional circumstances of the case, otherwise determines, no Government employee shall be granted leave of any kind for a continuous period exceeding five years.**

(2) Unless the authority competent to grant leave extends the leave, a Government employee who remains absent even after the expiry of leave previously granted is not entitled to any leave salary for the period of such absence and that period shall be debited against his leave account as though it were half-pay leave, to the extent such leave is due, the period in excess of such half-pay leave due being treated as extra-ordinary leave.

(3) Wilful absence from duty after expiry of the leave renders a Government employee liable to disciplinary action.

Note 1.—*Treatment of wilful absence from duty.*—Wilful absence from duty though not covered by leave does not entail loss of lien. The period of absence not covered by grant of leave shall have to be treated as 'dies non' for all purposes, viz., leave, increment and pension. Such absence without leave where it stands singly and not in continuation of any authorised leave of absence will constitute an interruption of service for the purpose of pension and unless pension sanctioning authority exercises his power under rule 35 of West Bengal Services (Death-cum-Retirement Benefit) Rules, 1971 to treat the period as leave without pay, the entire past service stands forfeited.

Note 2.—*Action for unauthorised absence from duty for over stayal of leave—*

(i) When a temporary Governmet employee asks for leave in excess of the limits prescribed in clause (b) of the proviso to sub-rule (2) of rule 175 and if the circumstances are exceptional the leave sanctioning authorities shall take decision in consultation with the Finance Department as to whether further leave in excess of the limit shall be allowed.

(ii) When a Government employee applies for leave beyond the prescribed limit of extraodinary leave and the leave sanctioning authority is not satisfied with the genuineness of the grounds on which further leave has been asked for, nor does it consider the ground as exceptional, the leave cannot be granted. In such a case the Government employee shall be asked to rejoin duty within a specified date failing which he would render himself liable to disciplinary action. Disobedience of orders to rejoin duty within the specified period would afford good and sufficient reasons for initiating disciplinary action under the West Bengal Services (Classification, Control and Appeal) Rules, 1971. If he rejoins duty by the stipulated date he may be taken back in service and the period of absence not covered by leave would be treated as overstayal and such overstayal shall be regularised in accordance with the provisions of this rule.

If the Government employee does not join duty by the stipulated date, it would be open to the disciplinary authority to institute disciplinary action against him. If during the course of the disciplinary proceedings he comes for rejoining duty he shall be allowed to do so without prejudice to the disciplinary action already initiated against him (unless he is placed under suspension) and the disciplinary action concluded as quickly as possible. The question of regularisation of the period of overstayal of leave shall be left over for consideration till the finalisation of the disciplinary proceedings.

(iii) If a Government employee absents himself abruptly or applies for leave which is refused in the exigencies of public service and still happens to absent himself from duty he shall be told of the consequences, viz., that the entire period of absence shall be treated as unauthorised absence entailing loss of pay for the period in question under the proviso to rule 26, thereby resulting in break in service. If, however, he reports for duty before or after initiation of disciplinary proceedings, he may be taken back for duty because he was not placed under suspension. The disciplinary action may be concluded and the period of absence treated as unauthorised absence resulting in loss of pay and allowances under the proviso to rule 26 and thus a break in service. The question whether the break should be condoned or not and treated as 'dies non' shall be considered only after conclusion of the disciplinary proceedings and that too after the Government employee represents in this regard.

(iv) A Government employee who remains absent unautorisedly without proper permission shall be proceeded against immediately and such disciplnary action shall not be put off till the absence exceeds the limit prescribed in rule 175. Considering the grounds adduced by the Government employee for his unauthorised absence before initiating the disciplinary proceedings, if the disciplinary authority is satisfied that the grounds adduced for unauthorised absence are justified, the leave of the kind applied for and due and admissible may be granted to him.

Resignation.

34A. (1) No Government employee shall, unless the Government otherwise directs, be permitted to resign if he fails to serve on his appointing authority due notice at least for—

(a) in the case of a Government employee holding no lien or suspended lien on a permanent post under the Government,..... .. ..one month ; or

(b) in the case of a Government employee holding lien or suspended lien on a permanent post under the Government, three months.

Explanation.—In this rule and in rule 34B "Government employee" means a person appointed to a service or post in connection with the affairs of the State and remunerated otherwise than on a daily, weekly or fortnightly basis.

(2) A Government employee who tenders resignation and quits without giving the notice as provided in sub-rule (1) shall, at the discretion of the appointing authority, be liable to forfeiture of his salary for the period by which the notice falls short of the requirements of clause (a) or clause (b), as the case may be, of that sub-rule in addition to such disciplinary action as may be taken against him for contravention of these rules. [1]

**Note.—Regarding the question of taking back in service a Government employee who resigned and subsequently withdrew such resignation letter the following principles shall be followed :—

(i) A person continues in service if he withdraws his resignation letter before the date from which the resignation is to take effect. The resignation becomes irrevocable and operative after the aforesaid date of resignation. So the question of withdrawal of the resignation letter by the Government employee and taking back such employee in service does not arise. After the resignation has become irrevocable and effective, it cannot be cancelled.

(ii) Resignation does not disqualify a person for fresh appointment and if he is given any appointment after his service in connection with the previous appointment has come to an end on account of resignation, the appointment given subsequently shall always be treated as a fresh appointment without any consideration whatsoever with his previous appointment.

(iii) Such fresh appointment shall not be possible if the age exceeds the limit prescribed in the rules. The Government or Head of the Department, however, reserves to itself the right to relax the age limit in cases of eminently suitable persons.

(iv) In case of such fresh appointment the relevant rules relating to recruitment cannot be relaxed in favour of the persons concerned unless the rules confer such power on the appointing authority.

Discharge after notice.

34B. **(1) If, under the terms of appointment, the Government has a right to terminate the services of a temporary Government employee after serving notice for a specified period, the services of such Government employee may be terminated after serving such notice or after paying him salary or wages for the period of notice required in lieu of such notice.**

[1] Notification No. 48 65-F, dated 29th September 1964.

(2) Where a Government employee has been appointed "temporarily" or "until further notice or orders" or where his appointment has, under the terms of appointment, been made "terminable without notice", the services of the temporary Government employee may be terminated after serving one month's notice or after paying him one month's salary or wages in lieu of such notice.

Note.—As far as possible letters of appointment issued to temporary Government employee should specify the period of appointment and should also provide that the services of the Government employee shall be liable to termination during that period by service of notice for the period specified in the letter. The period of notice specified in the letter should be as short as possible and should not ordinarily exceed one month. In cases where it may not be possible to insert such a provision the appointment should be "until further notice or orders."

CHAPTER IV—DOMICILE*

35-37. Omitted.

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*Is determined in accordance with the principle laid down in Part II of the Constitution of India.

CHAPTER V—PAY

38. **Omitted.**

39. **A Government employee while on duty as defined in any of sub-clauses (d) or (f) to (k) of clause (II) of rule 5, will draw the pay (including special pay, if any) of the appointment held by him when he is placed on such duty:**

During a course of instruction or training.

Provided that if it be an officiating appointment, he may draw the pay (including special pay, if any) which he would be entitled to draw in the officiating appointment, only for the period or periods during which he would have held that appointment had he not been placed on that duty.

40. **A student on duty as defined in sub-clause (e) of clause (II) of rule 5, may be paid such monthly sum, not exceeding Rs. 200, as the authority competent to fill the post to which it is proposed to appoint him may fix, on such monthly sum in excess of Rs. 200 as Government may sanction:**

Of a student to be appointed to Govt. service on passing through a course of training.

Provided that such sum shall in no case exceed the minimum of the pay of the post to which it is proposed to appoint him.

41. **Rules 42 to 52 inclusive apply to time-scales of pay generally. They do not however apply to any time-scale sanctioned by Government, in so for as they are inconsistent with terms specially so sanctioned for such time-scale.**

Time-scale of pay.

On substantive appointment.

42. The initial substantive pay of the Government employee who is appointed substantively to a post on a time-scale of pay is regulated as follows:

(1) If he holds a lien on a permanent post, other than a tenure post, or would hold a lien on such a post had his lien not been suspended—

(i) when appointment to the new post involves the assumption of duties or responsibilities of greater importance (as interpreted for the purposes of rule 54) than those attaching to such permanent post, he will draw as initial pay the stage of the time-scale next above his substantive pay in respect of the old post;

(ii) when appointment to the new post does not involve such assumption, he will draw as initial pay the stage of the time-scale which is equal to his substantive pay in respect of the old post, or, if there is no such stage, the stage next below that pay, plus personal pay equal to the difference; and in either case will continue to draw that pay until such time as he would have received an increment in the time-scale of the old post or for the period after which an increment is earned in the time-scale of the new post, whichever is earlier; whereupon he will draw pay in the stage of the new time-scale next above that which he drew initially, and thenceforward he will lose any personal pay granted under this rule and all connection with the old time-scale. But if the minimum pay of the time-scale of the new post is higher than his substantive pay in respect of the old post, he will draw that minimum as initial pay.

(iii) when appointment to the new post is made on his own request under sub-rule (1) of rule 24 and the maximum pay in time-scale of that post is less than the substantive pay in respect of the old post, he will draw that maximum as initial pay.

(2) If the conditions prescribed in clause (1) are not fulfilled, he will draw as initial pay the minimum of the time-scale:

Provided both in cases covered by clause (1) and in cases other than cases of re-employment after resignation or removal or dismissal from the public service, covered by clause (2), that if he either—

(a) has held on any previous occasion or occasions either substantively or in an officiating or temporary capacity—

(i) the same post, or

(ii) a permanent or a temporary post on the same time-scale, or

(iii) a permanent post, other than a tenure post, on an identical time-scale or a temporary post on an identical time-scale ; or

(b) is appointed substantively to a tenure post on a time-scale identical with that of another tenure post which he has previously held substantively or in which he has previously officiated ;

then the initial pay shall not be less than the pay other than special pay, personal pay or emoluments classed as pay by Government under sub-clause (iii) of clause (28) of rule 5, which he drew on the last occasion, and he shall count the period during which he drew that pay on such last and any previous occasions for increment in the stage of the time-scale equivalent to that pay.

Notes 1 and 2.—Omitted.

Note 3.—A time-scale may be of recent introduction, whereas the cadre or class to which it is attached may have been in existence on a graded scale before the time-scale came into force or it may be that one time-scale has taken the place of another. If a Government employee has held substantively, or officiated in, a post in the cadre or class prior to the introduction of a new time-scale and has drawn during the period salary or pay equal to a stage, or intermediate between two stages, in the new time-scale, then the initial pay in the new time-scale may be fixed at the salary or pay last drawn and the period during which it was drawn may be counted for increment in the same stage, or if the salary or pay was intermediate between two stages in the lower stage of that time-scale.

Note 4.—The re-employment of a Government employee after resignation or after discharge on reduction of establishment or after removal or dismissal, is equivalent to a first appointment to Government service for the purpose of this rule. He will therefore draw the minimum of the time-scale unless a higher rate of pay is specially sanctioned under rule 49.

Note 5.—Reversion to the ordinary cadre of service from a tenure post included in that cadre or from a tenure or special post not included in it does not constitute "substantive appointment to a post" for the purposes of this rule.

Note 6.—The expression "if he holds a lien on a permanent post" occuring in clause (1) of rule 42 should be held to include the lien on a permanent post to which a Government employee is appointed in a provisional substantive capacity under sub-rule (4), of rule 20, and the expression "substantive pay in respect of the old post" occurring in that rule should be held to include his substantive pay in respect of that provisional substantive appointment. Clause (1) of rule 42 should, therefore, be held to permit the substantive pay in respect of a provisional substantive

appointment being taken into account in determining his initial pay in another post to which he is appointed. When the initial pay of Government employee in a post is thus fixed, it will not be affected even if during the tenure of his appointment to that post he reverts from his provisional appointment.

**Note 7.—Where a Government employee, except on tenure appointment, is in receipt of a special pay attached to the scale of pay of a post, his pay on appointment to a higher post shall be fixed under the normal rules after treating the special pay as a part of the basic pay drawn in the lower post:

Provided that—

(a) special pay, not so attached to the scale of pay of a post but sanctioned otherwise under rule 5(33) or special pay drawn in a tenure appointment or special pay|deputation allowance drawn while on deputation shall not be taken into consideration for this purpose; and

(b) in cases where the appointment in the lower post carrying the special pay is on officiating basis, the appropriate authority shall certify that but for appointment to the higher post the Government employee concerned would have continued to draw the special pay attached to the lower post.

Pay fixation on promotion or appintment.

**42A. (1) Notwithstanding anything contained in any rule elsewhere, where a Government employee holding a post in a substantive, temporary or officiating capacity is promoted or appointed in a substantive, temporary or officiating capacity to another post carrying duties and responsibilities of greater importance than those attached to the post held by him, the initial pay of such Government employee in the scale of pay of the higher post shall be fixed at the stage next above the pay notionally arrived at by increasing his pay in respect of the lower post by one increment at the stage at which such pay has accrued:

Provided that the provisions of this sub-rule shall not apply where a Government employee holding a Group A post in a substantive, temporary or officiating capacity is promoted or appointed in a substantive, temporary or officiating capacity to a higher post which is also a Group A post:

Provided further that the provisions of sub-rule (2) of rule 55 shall not be applicable in any case where the initial pay is fixed under this sub-rule:

Provided also that where a Government employee was, immediately before his promotion or appointment to a higher post, drawing pay at the maximum of the scale of pay of the lower post, the initial pay of such Government employee in the scale of pay of the higher post shall be fixed at the stage next above the pay notionally arrived at by increasing such pay in respect of the lower post, by an amount equal to the last increment in the scale of pay of the lower post:

Provided also that if a Government employee—

(a) has previously held substatively or officiated in—

(i) the same post, or

(ii) a permanent or temporary post on the same scale of pay, or

(iii) a permanent post other than a tennure post or a temporary post (including a post in a body, incorporated or not, which is wholly or substantially owned or controlled by the Government) on an identical scale of pay ; or

(b) is appointed substantively to a tenure post on a scale of pay, identical with that of another tennure post which he has previously held substantively or in which he has previously officiated, then, proviso to rule 42 shall apply in the matter of the initial fixation of pay and counting of previous service for increment.

Note 1.—The existing rule regarding fixation of pay of temporary Government employees having no lien on any permanent post on their appointment to posts carrying higher time-scale of pay, provides nothing more than the minimum of the time-scale in the higher posts. As a result, the last pay drawn in the lower post being greater than the minimum of the higher scale in most cases is not protected and the officer concerned is put to hardship on account of sudden reduction of pay. In order to remove the hardship, the Governor has been pleased to decide that, in all such cases, a temporary Government employee having no lien on any post when appointed to hold a post carrying higher time-scale of pay, shall be eligible to draw as initial pay the stage of the time-scale in the higher post which is equal to his pay in the lower post, or if there is no such stage, the stage next below that pay plus personal pay equal to the difference, to be absorbed in future increments in the higher scale, provided that he has already rendered at least three years' continuous and satisfactory service in the lower post.

Note 2.—The benefit of fixation of pay referred to in note 1 shall not, however, be available in the following cases :—

(i) when a temporary Government employee appointed to a higher post on the recommendation of the Public Service Commission, West Bengal, and in whose case the Commission has, at the request of the Government, made specific remommendation regarding the pay to be allowed to the officer ;

(ii) when under any specific rule a temporary Government employee on appointment to a higher post is allowed a higher initial pay.

(2) Notwithstanding anything contained elsewhere in these rules, the pay of the Government employee shall, in respect of all promotions|appointments from one Group A post to another Group A post carrying higher resposibilities, be fixed at the stage next above the pay drawn in the scale of pay of the lower post, irrespective of whether the lower post is held on substantive, on officiating or temporary basis.

Note 1.—The provisions of sub-rule (2) shall apply to an employee of the Central or other State Government|Educational Institution including a body incorporate or not, which is wholly or substantially owned or controlled by the Government, when appointed to a post under this Government carrying duties and responsibilities of greater importance than those attached to the post held on substantive, officiating or temporary basis by the said employee immediately before joining the appointment under this Government irrespective of any categorisation of the said post under that organisation.

Note 2.—The provisions of sub-rule (2) shall also apply in the case of appointment of an employee from a Government college to a Government school.

Note 3.—The provisions of sub-rule (2) shall not apply in the case of appointment of an employee from a non-Government college to a Government School.

(3) Notwithstanding anything contained in the foregoing provisions of this rule, in the case of continuous officiation in the higher post with effect from a date prior to the 1st April, 1981 where the substantive pay of a Government employee fixed in the revised scale under rule 5 of the West Bengal Services (Revision of Pay and Allowance) Rules, 1981 becomes higher than, or equal to, his officiating pay fixed under sub-rule (1), the officiating pay in the revised scale shall be refixed in the scale of pay of the officiating post under sub-rule (2) of rule 55, read with clause (i) of sub-rule (1) of rule 42, at the next higher stage of his substantive pay fixed in the revised scale.

Note.—An option for fixation of pay under sub-rule (1) may be given by an employee on promotion as under—

(a) Either his initial pay may be fixed in the higher post under sub-rule (1) of this rule straightway without any further review on accrual of increment in the pay scale of the lower post; or

(b) his pay on promotion may be fixed initially in the manner provided under clause (i) of sub-rule (1) of rule 42 which may be re-fixed on the basis of the provisions of sub-rule (1) of this rule on the date of accrual of next increment in the scale of pay of the lower post:

Provided that if the pay is fixed under this clause the next increment shall fall due on completion of 12 months' qualifying service from the date the pay is refixed in the second occasion but drawal of increment shall be on the 1st day of the month so completed as per rule 48A:

Provided further that option in such cases may be exercised within 30 days from the date of promotion and that option once exercised shall be final.

(4) Notwithstanding anything contained in these rules or in any other rules or orders in force, where a Government employee on a scale of pay with special pay is appointed on promotion to a higher post on a higher scale of pay with higher special pay, his pay in the higher post shall be fixed under sub-rule (1) or sub-rule (2), as the case may be, without taking into account the special pay in the lower post.

Example: Where a promotee Assistant Secretary in the scale of pay of Rs. 660—1,600 plus special pay of Rs. 100 is appointed on promotion to the post of Deputy Secretary in the scale of Rs. 1,100—1,900 plus special pay of Rs. 200, his pay as Deputy Secretary shall be fixed in the scale of pay of Rs. 1,100—1,900 at the stage next above his pay in the scale **of Rs. 660—1,600 without taking into account the special pay Rs. 100 and, in addition, he shall draw special pay of Rs. 200.**

(5) When an employee of the Central or other State Government/Educational Institution including a body incorporate or not, which is wholly or substantially owned or controlled by the Government, is appointed to a post under this Government carrying duties and responsibilities similar to those attached to the post held on substantive, officiating or temporary basis by the said employee immediately before joining the appointment under this Government irrespective of any categorisation of the said post under that organisation, his initial pay shall be fixed at the stage of the time scale which is equal to his pay in the old post, or if there is no such stage, the stage next below that pay plus personal pay equal to the difference, to be absorbed in subsequent increases in pay in the new post under this Government.

Explanation—In this rule, Group A has the same meaning as assigned to it under clause (4) of rule 5.

Benefit of next higher scale of pay in certain contigency.

****42B. (1) When a Government employee, who has not got any single promotion or appointment in any higher scale in the same service or post even after completion of 18 years' continuous and satisfactory service, is placed in the immediate next higher scale of pay in terms of rule 9 of the West Bengal Services (Revision of Pay and Allowance) Rules, 1981, his designation remaining unchanged, his pay in such next higher scale of pay shall be fixed at the next higher stage of the pay drawn in the lower scale, the date of next increment remaining the same as it would have been in the lower scale.**

(2) When a Government employee is promoted in the normal course after getting the benefit of fixation of pay in the next higher scale under sub-rule (1), his pay on promotion either in the same or in the higher scale of pay in a regular course shall be fixed under sub-rule (1) of rule 42A on the basis of notional pay in the scale of the feeder post, i.e., in the scale of pay which was admissible to him prior to application of rule 9 of the West Bengal Services (Revision of Pay and Allowance) Rules, 1981 and not on the basis of the scale of pay allowed to him in terms of rule 9 of the said rules. Such re-fixation on the basis of notional pay shall be allowed on the date of promotion or from the date of option as per note below rule 42A.

On substantive appointment on reduced scale of pay.

43. The initial substantive pay of a Government employee who is appointed substantively to a post on a time-scale of pay which has been reduced for reasons other than a diminution in the duties or responsibilities attached to posts thereon and who is not entitled to draw pay on the time-scale as it stood prior to reduction, is regulated by rule 42 provided, both in cases covered by clause (1) of that rule and in cases, other than those of re-employment after resignation or removal or dismissal from the public service, covered by clause (2), that if he either—

(a) has held on any previous occasion or occasions either substantively or in an officiating or temporary capacity—

(i) the same post prior to reduction of its time-scale; or

(ii) a permanent or a temporary post on the same time-scale as the unreduced time-scale of the post, or

(iii) a permanent post other than a tenure post or a temporary post on a time-scale of pay identical with the unreduced time-scale of the post, such temporary post being on the same time-scale as a permanent post; or

(b) is appointed substantively to a tenure post the time-scale of which has been reduced without a diminution in the duties or responsibilities attached to it and has previously held substantively or officiated in another tenure post on a time-scale identical with the unreduced time-scale of the tenure post,

then the initial pay shall not be less than the pay, other than special pay, personal pay or emoluments classed as pay by Government under sub-clause (iii), of clause (28) of rule 5 which he would have drawn under rule 42, on the last such occasion, if the reduced time-scale of pay had been in force from the beginning and he shall count the period during which he would have drawn that pay on such last and any previous occasions for increment in the stage of the time-scale equivalent to that pay.

When the pay of a post is changed.

44. The holder of a post, the pay of which is changed whether he holds it in a substantive, or officiating capacity, shall be treated as if he were transferred to a new post on the new pay; provided that he may at his option retain his old pay until the date on which he has earned his next or any subsequent increment on the old scale or until he vacates his post or ceases to draw pay on that time-scale. The option once exercised is final.

Note 1.—A temporary post which is replaced by a permanent post on the same or a different rate of pay is not a "post, the pay of which is changed" for the purpose of this rule, nor the same post as the newly created permanent post for the purpose of rule 42 or rule 43. In such circumstances, therefore, the initial pay of the incumbent of the temporary

post in the new permanent post should be determined not under this rule but under rule 42 or under rule 43, and without consideration of the pay of the temporary post, unless the circumstances entitle the officer to the concession set out in proviso (a)(ii) of rule 42 or rule 43.

Note 2.—A question was raised whether an officer officiating in a higher scale on the date from which different posts on different scales in the same cadre were merged in a common scale, would exercise under this rule the option of retaining his officiating pay on the old higher scale when all the posts of the different categories were on the same new scale from the date and no higher responsibility was involved. The words "his old pay" in the proviso of this rule should be held to include not only the rate at which the individual was drawing his officiating pay on the crucial date but also the time-scale of pay in which he was drawing that pay. Thus for the period of option the old scale of pay in which he was drawing his officiating pay should be treated as continuing for the individual concerned and since he is entitled to retain his old pay during that period, his drawing of that pay under the option need not depend on whether the constructive officiating appointment after the crucial date does or does not involve the assumption of duties and responsibilities of greater importance. The option, however, ceases to operate once the individual concerned constructively ceases to officiate in the post or ceases to draw pay in the particular scale in which he was drawing the officiating pay.

Note 3.—If a person, permanent or otherwise, earns increment earlier than or after the original date in which he was supposed to get it at the time of exercise of option under rule 44 due to a revision of the date of increment, his pay should automatically be refixed with effect from the revised date of increment with reference to original option exercised by him under rule 44 and there will be no need of exercising a fresh option and issue of special orders for this.

Note 4.—The option allowed in this rule should be exercised within 30 days from the date of issue of the order changing the scale of pay.

Note 5.—This rule will equally apply to cases where a revision of pay is accompanied by a change in status of the posts. In such cases, the posts shall be deemed to be continuing as before. Where, however, a revision of pay is concurrent with a specific change in the duties and responsibilities attached to a post, the post will be deemed to have been substituted by a different post. In such cases the holder of the post will be treated as having been appointed to a higher or lower post, as the case may be, and pay will be fixed under the relevant rules, and not under this rule [1]

**Note 6.—This rule shall also apply in the cases of fixation of pay of holder of a post, the pay of which is prescribed on qualification basis, on improving his qualification while in service. This benefit will be available with effect from the day following the date of completion of the qualifying examination, both theoretical and practical.

[1]Notification No. 3340-F, dated 29th August 1966.

Withholding of increments.

45. **An increment shall ordinarily be drawn as a matter of course unless it is withheld. When an increment is ordered to be withheld, the authority passing the order shall state the period for which it is to be withheld, and whether the postponement shall have the effect of postponing future increments; and if so, for how long. Where the order fails to specify clearly for what period the officer is to be deprived of his increments, the deprivation shall be held to cease on the expiry of the period during which the officer would have drawn the increment initially withheld. Moreover, unless the order provides otherwise, the officer shall, when the deprivation ceases, be restored in all respects to the same position in the time-scale as he would have occupied had the order not been passed.**

Efficiency Bar.

46. **(1) Subject to the provisions of sub-rule (2), when an efficiency bar is prescribed in a time-scale the increment next above the bar shall not be given to a Government employee without the specific sanction of the authority empowered to withhold increments. Such sanction shall be based not on the mere absence of an unsatisfactory report but on the positive statement of the reporting officer that the service of the Government employee concerned has been such as to justify the passing of the bar.**

(2) A Government employee in the West Bengal State Service who may have reached the efficiency bar stage in the time-scale of pay while still employed in a temporary capacity or on probation, shall not, unless Government in exceptional cases of hardship otherwise direct, be allowed to cross the efficiency bar until his eventual confirmation when the bar may be removed with retrospective effect from the date on which it fell due, if there is otherwise no objection.

Note.—Power to allow a temporary Government employee holding a Group B or Group C or Group D post to cross the efficiency bar in the time-scale of their pay while still employed in a temporary capacity or on probation is left to the discretion of the appointing authority subject to the conditions mentioned in sub-rule (1).

47. **When a Government employee is allowed to pass an efficiency bar which had previously been enforced against him, he shall ordinarily proceed from the efficiency bar to the next stage in the time-scale. If, however, the authority competent to declare the bar removed is of opinion that the Government employee should be restored to the time-scale at the stage he would have reached but for the operation of the efficiency bar, or at any intermediate stage, he shall refer the case for the order of Government.**

Condions for counting service for increments.

48. **The following provisions prescribe the conditions on which service counts for increments in a time scale:**

(a) Subject to provisions of sub-rule (d) all duty in a post on a time-scale counts for increments in that time-scale.

Note.—Subject to any conditions that may be imposed by rule for any service or post, service as a probationer counts as duty so far as may concern the drawing of increments preceding the increment admissible on confirmation, except that in the case of a probationer, no increment shall be drawn during any period by which a period of probation is extended.

(b) Service in another post, whether in a substantive or officiating capacity, service on deputation and leave other than extraordinary leave count for increments in the time-scale applicable to the post on which the Government employee holds a lien as well as in the time-scale applicable to the post or posts, if any, on which he would hold a lien had his lien not been suspended.

** Note.—Omitted.

(bb) All leave other than extraordinary leave and the period of deputation out of India shall count for increment in the time-scale applicable to a post in which a Government employee was officiating and would but for his proceeding on leave or deputation have continued to officiate at the time when he proceeded on leave so, however, that the period of leave or deputation counting for such increment shall, in no case, extend beyond the end of the period during which the Government employee would have actually officiated in the post if he had not proceeded on leave or deputation. [1]

(bbb) In the case of a Government employee who has lien on a permanent post, joining time under rule 80(b) following leave shall also count for increment in the scale attached to the post in which the Government employee was officiating at the time of proceeding on leave and would have continued to officiate but for his proceeding on leave subject to the condition that the leave plus joining time does not exceed six months.

Note.—In each case falling under clause (bb) or under clause (bbb), the appointing authority shall, at the time of sanctioning the leave or as soon thereafter as possible and in any case not later than three months after the return from leave of the Government employee concerned, record a certificate to the effect that the Government employee would have actually continued to officiate in the post but for his proceeding on leave for the period from ..... to .....and that the period of leave will count for increment only to the extent it is covered by the certificate. Relaxation, if any, made to this principle shall, in the case of Government employees belonging to any Group other than Group 'A', be recorded in their Service Books under proper attestation with full facts justifying the relaxation.

**Relaxation of this principle can be made in fit cases by the Head of Department, if he is the appointing authority and if he is subordinate to the appointing authority by the appointing authority itself. No concurrence of the Finance Department will be necessary.

[1]Notification No. 1895/F-12-18 (17) 66, dated 7-6-1967.

In the case of a Government employee proceeding on leave, where no officiating arrangement is made in the leave vacancy and the Government employee is likely to return to the same post after leave, the certificate that he would have actually continued to officiate in the post but for his proceeding on leave may be issued by the leave sanctioning authority instead of the appointing authority.

(c) If a Government employee, while officiating in a post or holding a temporary post on a time-scale of pay, is appointed to officiate in a higher post or to hold a higher temporary post, his officiating or temporary service in the higher post shall, if he is re-appointed to the lower post, count for increments in the time-scale applicable to such lower post. The period of officiating service in the higher post which counts for increment in the lower is, however, restricted to the period during which the Government employee would have officiated in the lower post but for his appointment to the higher. This clause applies also to a Government employee who is not actually officiating in the lower post at the time of his appointment to the higher post, but who would have so officiated had he not been appointed to the higher post.

(d) A re-employed officer shall not be allowed to draw increments in the time-scale of the post to which he is appointed. [2]

(e) Foreign service counts for increments in the time-scale applicable to—

(i) the post in Government service on which the Government employee concerned holds a lien as well as the post or posts, if any, on which he would hold a lien had his lien not been suspended, and

(ii) any post to which he may receive officiating promotion under rule 100, for the duration of such promotion.

Note.—In the case of a Government employee having no lien or suspended lien on a permanent post, foreign service shall also count for increment in a temporary post held by him immediately before deputation, provided his deputation on foreign service was not on his own seeking and it is certified by the competent authority that but for the deputation he would have continued to officiate in that post.

(f) Extraordinary leave does not count for increments but Government may, in any case where they are satisfied that leave was taken on account of illness or for any other cause beyond the Government employees' control or for prosecuting higher scientific and technical studies, direct that the whole or any portion of such leave shall count for increments under clause (b) or (bb) above.

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[1]Notification No. 3766 F/F-3L-2 (66) 67, dated 7-10 1968.

[2]Finance Department Memo. No. 514-F, dated 13-2-1964 and No. 440-F, dated 9-2-1966.

(g) A period of overstayal of leave does not count towards increments.

Note 1.—In the case of a Government employee who, while officiating in one post is appointed in the public interest to hold another post on an officiating basis the period of joining time spent in proceeding from one post to the other may be treated as duty in the post the pay of which the Government employee may draw during the period and may count for increment in the same post under this rule.

In the case of a Government employee who, while officiating in a post, proceeds on duty as defined in sub-clauses (d) or (f) to (l) of clause (11) of rule 5, the period of such duty will count for increment in the post in which he was officiating prior to so proceeding.

Note 2.—Although joining time taken under clauses (b) and (c) of rule 80 is treated as duty under sub-clause (b) of clause (11) of rule 5, it cannot, except in cases mantioned in clause (bbb) of this rule, be treated as duty for the purpose of increment in an officiating post inasmuch as only leave salary is drawn for the period.

Note 3.—Maternity leave granted to female Government employees in temporary employment under the provisions of note 1 below sub-rule (2) of Rule 199 will count for increments in the post in which the Government employee was officiating at the time of proceeding on such leave provided it is certified by the appointing authority that the Government employee concerned would have continued to officiate in the post but for proceeding on such leave.

Note 4.—Vide note below Rule 19.

***48A. Notwithstanding anything to the contrary contained in these rules either expressly or by implication, an increment in a time-scale of pay shall be drawn with effect from the 1st day of month in which it becomes otherwise due.**

Note 1.—In cases where periodical increments in a time-scale become deferred owing to the operation of the provisions of rules 3B and 3C or due to non-fulfilment of the conditions laid down in rule 48, the month and date thereof on which the increment becomes due, after omitting the period not qualifying for increment, should at first be determined ; thereafter the date of increment shall be fixed on the 1st of the particular month.

**Note 2.—All whole time work-charged and contingency staff drawing pay in time-scale shall get the benefit of this rule.

Premature increment.

49. Save in exceptional circumstances and under specific orders of Government, no Government employee on a time-scale of pay may be granted a premature increment in that time-scale.

Note 1.—It is contrary to the principle of time-scale pay to grant an increment before it is due, and no recommendation that such a grant should be made will be entertained except in circumstances which would justify the grant of personal pay to a Government employee whose pay is non-incremental.

Stagnation Pay

****49A. A Government employee whose pay has been fixed in any of the revised scales of pay shown against serial numbers 1 to 13 of Part B of the Schedule I to West Bengal Services (Revision of Pay and Allowance) Rules, 1981 and who reaches the maximum of the scale of pay shall continue to draw increment beyond the maximum of the scale for three years at the rate last drawn by him as increment before reaching the maximum.**

Counting of military service towards increments

50. A member of a Civil Police Force who, before his appointment to such force, has served in the reserve of the Indian Army may, if his military service, whether or not including service with the colours in addition to service in the reserve, was pensionable under military rules but terminated before he had qualified for pension, be permitted at the discretion of the Head of the Department to count for increments of pay in such Civil Police Force the whole of his service with the colours, if any, and half his service in the reserve.

Pay of a Police officer on re-enlistment after discharge or resignation.

51. A police officer of or below the rank of Inspector when re-enlisted after discharge or resignation may, with the sanction of the authority competent to fill the appointment held by him, be allowed to count towards increment of pay the service (including military police service) rendered before such discharge or resignation, even though it was not on the same time-scale or was under another Government. Each case, however, will be decided on its merits and it must always be considered whether the individual is deserving of the privilege.

Reduction to lower stage in a time-scale.

52. When a Government employee is ordered to be reduced to a lower stage in a time-scale, the authority passing the order shall include in the order—

(i) a statement of the period for which the reduction is to remain in force; and

(ii) a statement whether on the expiry of the period the Government employee's previous service in the stage of the time-scale from which he was reduced, and the period during which the orders of reduction were in force, shall count for increment in whole or in part or not at all. If the former statement be not made, or be not clear, the period of reduction shall expire on the termination of the period at the close of which the officer would have drawn his next increment had the order of reduction not been passed; and if the latter satement be not made, or be not clear, the Government employee shall be

entitled, on the expiry of the period of reduction to count towards increments his previous service in the stage of the time-scale from which he was reduced, and the period during which the orders of reduction were in force.

**Note.—See note below rule 53.

53. **When a Government employee is orderd to be reduced to a lower grade or post, and is subsequently promoted or reinstated, his previous service in the grade or post from which he was reduced counts for increment, unless the authority promoting or reinstating him declares that it shall not so count, either in whole or in part. The period during which the orders of reduction were in force does not count for increment upon promotion or reinstatement.**

Reduction to a lower grade or post.

**Note.—(1) An order imposing the penalty of reduction to a lower service, grade or post or lower time-scale should invariably specify—

(i) the date from which it will take effect,

(ii) the stage in the time-scale (in terms of rupees) to which the Government employee is reduced,

(2) an order imposing the penalty of reduction to a lower service, grade or post or to a lower time-scale should invariably specify—

(i) the period of reduction, unless the clear intention is that the reduction should be permanent or for an indefinite period;

(ii) whether on promotion subsequent to the imposition of penalty, the seniority of the Government employee which had been assigned to him prior to the imposition of penalty will be restored in the higher grade or post or higher time-scale.

In cases where the reduction is for specified period and is not to operate to postpone future increments, the seniority of the Government employee may, unless the terms of the order of punishment provide otherwise, be fixed in the higher service, grade or post or the higher time-scale at what it would have been but for its reduction.

Where the reduction is for a specified period and is to operate to postpone future increments, the seniority of the Government employee on subsequent promotion may, unless the terms of the order of punishment provide otherwise, be fixed by giving credit for the period of service rendered by him in the higher service, grade or post or higher time-scale.

If the order of reduction is intended for an indefinite period the order should be framed as follows :—

'A' is reduced to the lower post|grade|service of 'X' until he is found fit by the competent authority to be restored to the higher post|grade|service of 'Y'.

In cases where it is intended that the fitness of the Government employee for promotion or restoration to his original position will be considered only after a specified period, the order should be made in the following form :—

'A' is reduced to the lower post|grade|service of 'X' until he is found fit, after a period of ..... years from the date of this order, to be restored to the higher post of 'Y'.

Pay on officiating Appointment.

54. **(1)(a) Subject to the provisions of Chapter VII, a Government employee who is appointed to officiate in a post shall not draw pay higher than his substantive pay in respect of a permanent post, other than a tenure post, unless the officiating appointment involves the assumption of duties and responsibilities of greater importance than those attaching to the post, other than a tenure post, on which he holds a lien, or would hold a lien had it not been suspended :**

Provided that the Governor may specify posts outside the ordinary line of a service the holders of which may, notwithstanding the provisions of this rule and subject to such conditions as the Governor may prescribe, be given any officiating promotion in the cadre of the service which the authority competent to order promotion may decide, and may thereupon be granted the same pay as they would have received if still in the ordinary line.

(b) For the purpose of this rule, the officiating appointment shall not be deemed to involve the assumption of duties and responsibilities of greater importance if the post to which it is made is on the same scale of pay as the permanent post, other than a tenure post, on which he holds a lien or would hold a lien had it not been suspended, or on a scale of pay identical therewith.

Note 1.—The conditions on which officiating benefit under the proviso mentioned above may be granted are indicated below—.

When an officer in a post (whether within the cadre of his service or not) is for any reason prevented from officiating in his turn in a post on higher scale or grade borne on the cadre of the service to which he belongs, he may be authorised by special order of the appropriate authority proforma officiating promotion into such scale or grade and thereupon be granted the pay of that scale or grade, if that be more advantageous to him, on each occasion on which the officer immediately junior to him in the cadre of his service (or if that officer has been passed over by reason of inefficiency or unsuitability or because he is on leave or serving outside the ordinary line or foregoes officiating promotion of his own volition to that scale or grade then the officer next junior to him not so passed over) draws officiating pay in that scale or grade :

Provided that all officers senior to the officer to whom the benefit under the substantive part of the above para is to be allowed are also drawing, unless they

have been passed over for one or other of the reasons aforesaid, officiating pay in the said or some higher scale or grade within the cadre :

Provided further that, not more than one officer (either the seniormost fit officer in the service of adjacent officers outside the ordinary line or if such an officer either foregoes the benefit of his own volition or does not require the benefit in virtue of his holding a post outside the ordinary line which secures him at least equivalent benefits in respect of pay and pension then the next below in the series) may be authorised to draw the pay of the higher scale or grade in respect of any one officiating vacancy within the cadre filled by his junior under this rule.

*Note 2.—Whereas, however, a Government employee is appointed to officiate in a post with higher pay within the same cadre but on a different grade or time scale, without involving higher duties or responsibilities, he shall draw the presumptive pay of the post as laid down in the sub-rule (1)(ii) of rule 42 of the said rules.

**(2) A purely fortuitious officiating promotion given to an officer who is junior to an officer outside the regular line does not in itself give rise to any claim mentioned in clause (a) of sub-rule (1) above.

(3) The expression "outside the ordinary line" occurring in the proviso is not intended to be rigidly interpreted as necessarily involving a post either outside the cadre of a service or outside the ordinary time-scale.

**(4) A Government employee under training|instruction in India|abroad and whose absence has been treated as the period spent on duty under rule 5(11)(d) may be promoted to the next higher grade with effect from the date he would have been so promoted had he not proceeded on training|instruction provided the following conditions are fulfilled :—

(a) he had been approved for promotion to the next higher grade ; and

(b) all his seniors, except those regarded as unfit for promotion to the particular higher grade, available have been promoted to that grade.

He may also be allowed to draw such officiating pay in the next higher grade which he would have drawn from time to time had he been on duty other than duty under rule 5(11)(d).

55. (1) Subject to the provisions of clauses (bb) and (c) of rule 48 and of rules 54 and 58 and except where it is otherwise provided in these rules, a Government employee officiating in a post will draw the presumptive pay of that post ;

**(2) On an enhancement in the grade pay of the lower post as a result of increment or otherwise, the pay of such Government employee shall be refixed under sub-rule (1) from

the date of such enhancement as if he was appointed to officiate in that post on that date where such re-fixation is to his advantage :

Provided that such lower officiating post was held for not less than 3 years or would have been so held but for officiation in other higher cadre posts :

Provided further that the provisions in sub-rule (1) of rule 42A shall not be applicable in the matter of re-fixation of pay under sub-rule (2) of this rule.

****(3) Omitted.**

***(4) If a Government employee while officiating in a higher post draws pay at a rate higher than his Senior Officer either due to fixation of his pay in the higher post under the normal rules, or due to revision of pay scales, the pay of the Government employee senior to him shall be re-fixed at the same stage and from the same date his junior draws the higher rate of pay irrespective of whether the lien in the lower post held by the Senior Officer is terminated at the time of refixation of pay, subject to the conditions that both the Senior and Junior Officers should belong to the same cadre and the pay scale of the posts in which they have been promoted are also identical.**

The benefit of this rule shall not be admissible in case where a senior Government employee exercises his option to retain un-revised scale of pay, or where the pay drawn by the senior officer in the lower post before promotion to the higher post was also less than that of his junior.

Note 1.—As a general rule officiating appointment in vacancies of two months duration or less shall not be made. In order to ensure, however, a certain measure of flexibility in the arrangements that may be necessitated by the imposition of this ban, officiating appointments for short periods as may become unavoidably necessary will hereafter be regulated by the following instructions :—

(a) Whenever a vacancy of two months' duration or less occurs consequent on an officer proceeding on leave or on deputation, no officiating appointment shall, as a rule, be made, and one or the other of the following arrangements shall be made for the discharge of the duties of the vacant post :—

(i) If the officer who goes on leave or deputation is one of several in the same grade in the particular organisation his work should be distributed amongst his colleagues of the same grade.

(ii) If the officer is at an intermediate level the higher officers shall take work direct from the departing officer's subordinates. For example, when a Deputy Secretary goes on leave or deputation Secretary or Joint Secretary may take the work which requires decision at a higher level direct from Under Secretary, or Assistant Secretary giving at the same time more discretion to the latter to deal with the less important cases on his own authority.

(iii) If neither of the above two courses is feasible, the officer immediately below the departing officer and available on the spot should be vested with the requisite powers where the post has any statutory functions or duties attached to it and placed in routine charge of the current duties of the vacant post, without having to accept the full duties or the full responsibilities thereof. No extra remuneration would be admissible to the officer concerned for thus carrying on the current duties of the post.[1]

(b) Where, for any special reasons, it is not feasible to adopt any of the methods indicated above, an officiating appointment, which calls upon the officer appointed to the vacancy to assume full charge and responsibility of the post, may be made for a period less than two months subject to the prior concurrence of the Finance Department.

Notes 2(a) and (b).—See notes 1 and 2 below rule 42A.

Note 3.—The Accountant-General, West Bengal, has reported that numerous sanctions promoting officer to higher posts are received in his office from competent authorities wherein the term "appointed to act" is being used in the sense of "appointed to officiate" when the officer concerned should be allowed the benefit of full pay and allowance of the higher post admissible under the circumstances.

The expression "to act" has not been used in the West Bengal Service Rules, and as also its use in the orders of promotion referred to above leaves scope for doubt as to whether the person concerned is appointed to hold full-fledged charge or current duties of the post. In order to avoid this difficulty and also to keep in line with the terminology of the West Bengal Service Rules, it is desirable that the expression "appointed to officiate" is used in place of "appointed to act" in the orders of promotion. Where it is intended, in any case, to restrict the pay under rule 58 of West Bengal Service Rules, Part I, while an officer is appointed to hold the current duties of the post, it should specifically be stated in the order sanctioning the appointment.

Pay on erroneous appointment.

55A. **The pay of a Government employee, whose promotion or appointment to a post is found to be or to have been erroneous, shall be regulated in accordance with any general or special order issued by the Governor in this behalf.**[2]

Pay on re-employment after retirment.

55B. **(a) The pay of a Government employee re-employed after retirement shall be so fixed within the time-scale prescribed for the post in which he is re-employed, that the total amount of re-employed pay plus the amount of gross value of pension and/or other forms of retirement benefits does not exceed at any time either—**

(i) the pay drawn before retirement; or

[1]Notification No. 4085F.; dated 30th September 1965.
[2]Notification No. 3740F.; dated 18th July 1964.

(ii) the maximum of the time-scale prescribed for the post or the pay of the post if it is fixed pay ; or

(iii) Rs. 3,000 :

***Provided that if in any case the pay so fixed falls below the minimum of the scale of the post, to which the Government employee is re-employed, the pay shall be fixed at the minimum of the scale and he shall in addition be eligible to draw pension and to retain other retirement benefits, unless the pay drawn before retirement, or Rs. 3,000 is exceeded, and if the aforesaid limit is exceeded, the pay shall be so adjusted that the pay, together with the pension and other retirement benefits, amounts to pay drawn before retirement or Rs. 3,000, whichever is less.**

Note 1.—Pay last drawn before retirement shall be taken to be the substantive pay last drawn or officiating pay drawn continuously at least for one year before retirement, as the case may be, provided that, as regards the officiating pay, the re-employment is made in the same post or in a post of equivalent rank and responsibility to the officiating post held before retirement.

Note 2.—The pay drawn before retirement whether substantive or officiating pay shall include special pay which is drawn for at least a year before retirement.

Note 3.—(i) Initial pay on re-employment of prematurely retired military personnel shall first be fixed in accordance with the principles laid down in this rule read with sub-rule (2) of rule 83 of West Bengal Services (Death-cum-Retirement Benefit) Rules, 1971.

(ii) After so fixing the pay on re-employment such re-employed military personnel shall be allowed, notwithstanding the provisions in clause (d) of rule 48, to draw increments on each of the anniversary date of his re-employment, subject to fulfilment of other conditions in rule 48 to the extent of maximum of the scale of pay from the stage where the initial pay on re-employment of such officers has been fixed. The re-employed military officers shall not however be allowed to draw any increment on attaining the age of 58 years.

(b) In cases where the minimum pay in the prescribed scale of the post in which the officer is re-employed is more than the last pay drawn the officer concerned may be allowed, notwithstanding the provision contained in clause (a) above, the minimum of the prescribed scale less pension and|or pension equivalent of other retirement benefits.

Note.—If any dearness allowance drawn by such officer before re-employment has been merged in the prescribed scale of the post to which the Government employee has been re-employed the term "last pay drawn before retirement" shall include dearness allowance drawn before retirement, if any. [1]

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[1]F.D. Memo No. 514F, dated 13-2-64 and No. 640F., dated 9-2-66.

Pay of a temporary post.

56. When a temporary post is created, the pay of the post shall be fixed with reference to—

(a) the character and responsibility of the works to be performed;

(b) the minimum necessary to secure the services of a person capable of discharging efficiently the duties of the post.

Such a post shall, unless the Government may by order otherwise direct, carry pay in the time-scale of comparable permanent posts under the Government or where there is no comparable permanent post, at such time-scale as the Government may determine.

Note 1.—Vide Notes 2 and 3 below Rule 55.

Pay of a post carrying a pay personal to another Govt. employee.

57. When a Government employee officiates in a post or holds a temporary post the pay of which has been fixed at a rate personal to another Government employee, he shall draw the pay sanctioned for the post without reference to a particular individual in accordance with the principles set out in rule 55 or 56, or, where no such pay has been fixed, such pay as the Government may determine.

Officiating pay at reduced rates.

58. The pay of an officiating Government employee may be fixed by Government at an amount less than that admissible under these rules.

Note 1.—When a Government employee is appointed to officiate in a post on a time-scale of pay but has his pay fixed below the minimum of the time-scale under this rule, he must not be treated as having effectually officiated in the post within the meaning of rule 42 or rule 43, or having rendered duty in it within the meaning of rule 48. Such an officer, on confirmation, should have his initial pay fixed under clause (ii) of rule 42 or rule 43 and draw the next increment after he has put in duty for the usual period required, calculated from the date of his confirmation.

Note.—Vide Note 3 below rule 55.

Authorities empowered to sanction officiating appointments.

59. Heads of Departments may sanction officiating appointments in the place of Government employees who are treated as on duty—as defined in clause (II) of rule 5 sub-clauses (a), (c), (e) and (i) excepted.

Note—Vide Note 1 below rule 55.

Note 2.—In the case of a Government employee sent for training or a course of instruction in India it is not necessary to create a new post in order to accommodate him during such training or course of instruction. The order, posting him for training, etc., would be considered a sanction in this behalf.[1]

Absorption of personal pay in subsequent increases of pay.

60. Unless in any case there are orders of Government to the contrary, personal pay shall be reduced by any amount by which the recipient's pay may be increased, and shall cease as soon as his pay is increased by an amount equal to his personal pay.

61. Omitted.

[1]F. D. Memo No. 4678F., dated the 18th September 1964.

CHAPTER VI—FEES AND REMUNERATION

Circumstances in which granted.

62. Subject to the provisions of rule 63, a Government employee may be—

****(a) permitted to perform a specified service or series of services for a private person or body or in Undertakings|Statutory Bodies under the control of the State Government, Local Authorities and in State Aided non-Government organisation including Academic bodies and if the service be material, to receive as fee|remuneration therefor, a recurring or non-recurring fee|remuneration :**

Provided that—

(i) unless the Government employee is on leave, the sanctioning authority certifies in writing that the services can be performed without detriment to the Government employee's official duties or responsibilities ; and

(ii) when the services are performend during time which would otherwise be spent in the performance of official duties, the fee shall be credited to the revenues of the State unless the sanctioning authority for special reasons which should be recorded, directs that the whole or any specified part thereof may be paid to the Government employee.

****(b) Omitted.**

**Note 1.—Omitted.

**Note 2.—Omitted.

Note 3. The acceptance of fees by Medical Officers for professional attendance or other service is not regulated by this chapter.

**Note 4.—(a) When a Government employee is permitted to undertake without detriment to his normal duties any outside work, e.g., work for a private person|body or in Undertaking| Statutory Bodies under the control of the State Government or the Local Authorities and the State aided non-Government Organisation including Academic Bodies, he may be authorised to receive a recurring or non-recurring fee for such work subject to the following conditions :—

(i) in the case of recurring monthly fee|remuneration, it shall be restricted to a sum not exceeding 20% of the basic pay of the concerned Government employee reduced by the amount of Special Pay, if any, drawn by him under the Government. The admissible amount of fee| remuneration shall be allowed for a period not exceeding 6 months, and the whole amount may be retained by the Government employee without crediting any portion thereof to the State Revenues,

(ii) in the case of fee|remuneration paid for work done on an occasional basis or of an ad hoc nature, the fee|remuneration offered may be received by the State Government employee concerned, provided that during any financial year the total of such fee|remuneration shall not exceed 20% of his basic pay for the year. No portion of such fee|remuneration shall be required to be credited to the State Revenues,

(iii) the teachers of the Presidency College are not entitled to any remuneration for the part-time service rendered to the Calcutta University for post-Graduate work,

(iv) Government employees appointed Director|members, etc., of Public Undertakings|Government Companies|Statutory Bodies, etc., shall not be allowed to draw any fee|remuneration from the particular Public Undertaking|Government Company|Statutory Body, etc., to which they have been so nominated for any work done by them in their capacity as Directors|Members, etc., of such Public Undertakings|Government Companies|Statutory Bodies, etc.

(b) In regard to the work relating to International Bodies, other State Governments, Central Government, etc., acceptance of fee|remuneration by the State Government employees shall be regulated by the rules|agreements made by the Government on this behalf.

(c) Nothing in clause (a) shall apply to the existing concessions, if any, regarding fees receivable by Government employees, e.g., fees for professional services rendered by Doctors, Radiologists and Pathologists, and fees for correcting examination answer papers or affect the provisions of any other rules in this Chapter.

Note 5.—Omitted.**

Note 6.—State Government employees on deputation to public sector undertaking should not receive any bonus or ex gratia payment in lieu thereof. If they have necessarily to receive any such payment, the amount should be remitted to the State Government immediately under intimation to the Accountant-General, West Bengal.

In cases however, where a Government employee on deputation to public sector undertaking does not draw any deputation allowance or any other extra additional benefits commensurate with a deputation allowance to which he would have ordinarily been entitled, a separate Government order may issue in such cases in the matter of acceptance of bonus by such Government employees on deputation to public sector undertakings.

Condition of acceptance.

**63. The following conditions shall regulate the acceptance of fees or remuneration, namely—

(i) No Government employee may accept a fee without the sanction in writing of a competent authority,

(ii) Except when special reasons exist, which should be recorded in writing by the sanctioning authority, sanction shall not be given to the acceptance of a fee or remuneration unless the work has been undertaken with the prior consent in writing of the sanctioning authority, and unless the amount has been settled with his concurrence in advance.

(iii) The amount of a fee or remuneration shall be fixed with due regard to the value of the services in return for which it is given.

(iv) The sanctioning authority shall record in writing that due regard has been paid to the principle enunciated in rule 15 and shall record also the reasons which in his opinion justify the grant of extra remuneration.

Sanctioning authorities.

**64.(1) The power to permit the acceptance of fee under rule 62 may be exercised—

(i) in cases where the fee|remuneration does not exceed Rs. 500, by Heads of Departments, and

(ii) in the case of a Government employee other than Group A officers where the fee|remuneration does not exceed Rs. 100, by the authority competent to fill his post substantively:

Provided that in respect of a recurring fee|remuneration the above limits shall be applied to the total sum involved and not to a single payment.

(2) In the case of a Government employee in an educational service who is permitted to receive fee|remuneration for private tution, the powers of sanction authorised by sub-rule (1) are limited to Rs. 500 or Rs. 100 in all, as the case may be, during any particular scholastic term or vacation. Under this sub-rule the acceptance of fees|remuneration upto Rs. 100 may be sanctioned by Inspectors or Inspectresses of Schools or Principals of Colleges.

(3) Notwithstanding anything contained elsewhere in this rule—

(a) Government employees including members of the Clerical staff in Group C as well as those in Group D, may, without any previous sanction, undertake any kind of work in connection with any examination held by any of the Universities in West Bengal and accept fees|remuneration therefor:

Provided that such Government employees shall submit to Government annual return certified by the University concerned showing the fees|remuneration paid to them by the Universities on this account, and

(b) the Head of the Department may permit any such Government employee serving under him to undertake work as an examiner for any Indian University outside West Bengal, Union or State Public Service Commission or the Institute of Engineers (India) or any other Examining Body recognised by Government and accept fees/remuneration on that account:

Provided that he shall submit an annual return to Government showing the nature of the work undertaken by him and the fees/remuneration received on that account, and that the previous sanction of Government where the Head of Department is not the Head of a Secretariat Department, shall be obtained when the work involves a journey outside West Bengal.

CHAPTER VII—COMBINATION OF APPOINTMENT

Pay how regulated

****65. The Head of a Department, where he has the power to make appointments, to each of the posts, and in other cases, Government may appoint one Government employee to officiate in two or more separate posts at one time. In such cases the Government employee's pay shall be regulated as follows:—**

(a) he may draw the highest pay to which he would be entitled if his appointment to one of the posts stood alone, on account of his tenure of that post;

(b) for each other post, he may draw such reasonable pay, in no case exceeding twenty per cent. of the presumptive pay of such post(s), as Government may fix; and

(c) if a compensatory allowance is attached to one or more of the posts, he may draw such compensatory allowance as Government may fix, provided that it shall not exceed the total of the compensatory allowances attached to all the posts.

Note 1.—The presumptive pay for the purpose of clause (b) of this rule shall be taken to be (i) what the Government employee would draw as initial pay in the additional post, were he formally appointed to it, or (ii) where the maximum pay of the additional post is less than his pay in his substantive appointment, the maximum pay of the additional post.

Note 2.—The benefit under clause (b) of this rule shall be admissible for a total period not exceeding six months and should be restricted as far as possible to lower salary groups and should in no case be extended to persons drawing more than Rs. 2,000 per month.

Note 3.—The grant of additional remuneration under clause (b) of this rule is subject to the following conditions:—

(i) There must be prior appointment to the additional post. A person shall be appointed to the additional post only if he can be so appointed as per approved recruitment rules and he has the qualifications required as per recruitment rules.

(ii) Additional remuneration for such combination of appointments will be fixed in each case on its merit, in consultation with the Finance Department, provided that such additional remuneration together with Special Pay, if any, will not exceed one-fifth of the basic pay.

(iii) Additional remuneration for combination of appointments will not be admissible for more than six months.

(iv) The additional remuneration will be admissible if the combination of appointments be for a period of more than two months.

(v) Government employees drawing total salary, including all kinds of pay and allowances, exceeding Rs. 2,000 per month will not get any additional remuneration for combination of appointments.

(vi) A Government employee holding a lower post (i.e., a post the scale of which is lower than that of his own post) in addition to his own post will not get any additional remuneration for combination of appointments.

(vii) No remuneration shall be admissible if the posts involved in the combination of appointments be in the same establishment, i.e., the Head of Office or Head of Department is the same in terms of rule 5(16) and rule 5(16A).

Similarly, a person holding a superior post in a particular office or establishment performing, in addition to his own duties, the duties of his subordinate officer in the same office or establishment, shall not also qualify for additional, remuneration.

Illustrations.—(a) An Assistant Secretary of the —Home (Political) Department discharging the additional duties of another Assistant Secretary of the Home (Police) Department shall not be eligible for extra remuneration. Similarity, an Under Secretary discharging the duties of a fellow Under Secretary in the same office or department will not get additional pay. An Executive Engineer of one Division discharging the duties of another Executive Engineer of another Division of the same Circle may not be deemed to be performing the duties of another officer of the 'same office or establishment'.

(b) A District Judge deprived of the help of an Additional Assistant Judge, and therefore, doing the Additional Assistant Judge's work shall not qualify for extra remuneration.

(viii) Even in a case, where the benefit of additional remuneration is justified on the basis of quantum of extra work involved, it should be restricted to lower salary groups and in no case extend to persons drawing more than Rs. 2,000 per month.

The grant of Special Pay under rule 5(33) shall be subject to the following conditions :—

(a) With effect from July 1, 1979, more than one Special Pay shall not be allowed to any Government employee ;

(b) In cases where a Government employee gets a Special Pay attached to the post as member of a cadre of service, an additional special pay, if being enjoyed, may be continued provided the total of the two Special Pays does not exceed 20 per cent. of basic pay or Rs. 200 per month whichever is less ;

(c) As the cases of Special Pay of the employees belonging to Group C and Group D are few and far between, they shall be excluded from the purview of clause (a).

CHAPTER VIII—DEPUTATION OUT OF INDIA

To whom the rules apply.

65A. The rules in this chapter are intended to meet the cases of Government employees deputed to other countries at the instance of Government, either for the performance of special duties imposed on them and for the investigation of specific problems connected with their posts. They have no application to cases where the Government employees are permitted at their own instance to go to other countries for higher studies or training or cases where Government employees are selected for higher studies or for undergoing special training under the various technical assistance programmes of the U.N., the Colombo Plan, etc. Such cases will be dealt with under the provisions of rule 197 read with Appendix No. 5 referred to therein.

Sanctioning authority

66. No Government employee may be deputed out of India without the previous sanction of Government.

Date of beginning and end.

67. A period of deputation runs from the date on which the Government employee makes over charge of his office in India to the Date on which he resumes it ; or if he is on leave out of India when placed on deputation, the period of deputation is the time actually taken up by the duty.

Pay during deputation.

68. When a Government employee is, with proper sanction, temporarily deputed for duty out of India either in connection with the post held by him in India or in connection with any special duty on which he may temporarily be placed, he may be allowed by Government to draw during the period of deputation the same pay which he would have drawn had he remained on duty in India :

Provided that a Government employee, who is placed on deputation while already on leave out of India on average pay, may be required by Government to continue to be on leave,

in which case he shall be given during that period, in addition to his leave salary, an honorarium of one-sixth of the pay which he would have drawn had he remained on duty in India. The cost of passage, in such case, from and to India shall be borne by him.

Note 1.—The portion of the pay which a Government employee may be permitted to draw in foreign currency while on deputation abroad will be determined in accordance with the orders issued from time to time by Government in this regard.

Note 2.—Government employees deputed for duty out of India may also receive free passages and compensatory allowances under such conditions and at such rates as Government may determine.

Note 3.—The foreign exchange equivalent of the pay or honorarium or compensatory allowance shall be calculated at the current rate of exchange.

Note 4.—If a Government employee on deputation out of of India takes leave overdrawals of pay, if any, shall be recovered in not more than three equal monthly instalments commencing with his first full month's pay after his return to India, provided that this recovery may be waived by the authority sanctioning the deputation if the leave taken does not exceed one month and was occasioned by illness or other urgent and unforeseen circumstances.

Note 5.—Though no change of duties is involved, deputation pay out of India may be enhanced on account of officiating promotion in India.

Note 6.—It is not necessary to create a post to make officiating arrangement in a vacancy caused by the deputation out of India of a Government employee in connection with the duties of the post held by him in India. He is considered to be on special duty and does not draw pay against any particular post, the pay being regulated in terms of rule 68.

69. **Omitted.**

CHAPTER IX—DISMISSAL, REMOVAL AND SUSPENTION

Termination of service on removal or dismissal,

70. **The pay and allowances of a Government employee who is dismissed or removed from service cease from the date of such dismissal or removal.**

Note.—Dismissal or removal from service terminates the service of an officer as from the date on which the relevant order is passed. The order of dismissal or removal from service cannot thus be given a retrospective effect with reference to the date of the order.

Subsistence grant while under suspension.

****71. (1) A Government employee under suspension or deemed to have been placed under suspension by an order of the appointing authority shall be entitled to the following payments, namely :—**

(a) a subsistance allowance at an amount equal to the leave salary which the Government employee would have drawn if he had been on half-pay :

Provided that where the period of suspension exceeds three months the authority which made or deemed to have made the order of suspension shall be competent to vary the amount of subsistence allowance for any period subsequent to the period of the first three months as follows :—

(i). the amount of subsistence allowance may be increased by a suitable amount, not exceeding 50 per cent of the subsistence allowance admissible during the period of the first three months, if in the opinion of the said authority, the period of suspension has been prolonged for reasons to be recorded in writing, not directly attributable to the Government employee,

(ii) the amount of subsistence allowance may be reduced by a suitable amount, not exceeding 50 per cent of the subsistence allowance admissible during the period of the first three months, if, in the opinion of the said authority, the period of suspension has been prolonged due to reasons, to be recorded in writing, directly attributable to the Government employee ;

(b) Dearness, Medical or other compensatory allowance, if any, admissible from time to time on the basis of pay which the Government employee was in receipt on the date of suspension or such portion thereof as the suspending authority may direct subject to the fulfilment of other conditions laid down for the drawal of such allowances.

(2) No payment under sub-rule (1) shall be made unless the Government employee furnishes a certificate that he is not engaged in any other employment, business, profession or vocation :

Provided that in the case of a Government employee dismissed, removed or compulsorily retired from service, who is deemed to have been placed or to continue to be under suspension from the date of such dismissal or removal or compulsory retirement ; and who fails to produce such a certificate for any period of suspension, he shall be entitled to the subsistence allowance and other allowances equal to the amount by which his earning during such period or periods as the case may be, falls short of the amount of subsistence allowance and other allowances that would otherwise be admissible to him ; where the subsistence allowance and other allowances admissible to him are equal to or less than the amount earned by him, nothing in this proviso shall apply to him.

(3) There shall be recovered from the subsistence allowance granted to the Government employee the following which would have been recovered from his salary had he not been suspended :—

(a) Government dues such as income-tax, super-tax, profession tax, house-rent, charges for electricity and water, furniture hire and the like ;

(b) contribution towards Group Insurance Scheme ;

(c) loans and advances taken by the Government employee from the Government;

(d) over-payment made to the Government employee by the Government; and

(e) loss to Government for which the Government employee has been held responsible:

Provided that the total amount of the recoveries to be made under clauses (c) to (e) shall not, unless the Government by the special order otherwise directs, exceed one-third of the subsistence allowance to the Government employee referred to in clause (a) of sub-rule (1) and where the total amount calculated to be so recovered under clauses (c) to (e) exceeds one-third of such subsistence allowance, sanction of the appointing authority shall be obtained as to the amount to be recovered under each of the aforesaid clauses in order that the total amount of such recoveries may not exceed one-third of such subsistence allowance.

(4) Recovery may also be made from the subsistence allowance to the Government employee with his written consent and to the extent agreed upon in respect of the following, namely:—

(i) subscriptions to a Provident Fund;

(ii) premia due on Postal Life Insurance Policies;

(iii) dues of any Co-operative Society; and

(iv) amount due on the court attachments.

Note 1.—When a Government employee under suspension was in the temporary post before he was placed on suspension, the question of extension of the term of the temporary post may arise. The competent authority shall take a decision whether the individual who is due to be discharged, on account of the expiry of the sanction of the post held by him or otherwise becomes liable to be retrenched or whether, to enable disciplinary proceedings being continued, steps should be taken to provide a post for him. In the latter case his post may be extended without reference to higher authority if there is no time to refer the matter for such sanction, otherwise the sanction of the competent authority should be obtained as usual in each case.

Note 2.—(i) The subsistence allowance shall not be denied on any ground unless a Government employee is unable to does not furnish a certificate that he is not engaged in other employment, business, profession or vocation during the period of suspension.

(ii) Each claim for subsistence and compensatory house rent allowance shall be supported by a certificate by the Government employee concerned to the effect that he is not engaged in any employment, business, profession or vocation during the period to which the claim relates.

(iii) Review—

(a) First Review—A review of the subsistence allowance shall be made before the end of three months from the date of suspension. This will also give an opportunity to the competent authority to review not merely the subsistence allowance but also the substantive question of suspension.

(b) Second or subsequent review(s)—There is no objection to such review(s) being made by the competent authority. Such authority shall be competent to increase or decrease the rate of subsistence allowance up to 50 per cent of the amount of the subsistence allowance initially granted according to the circumstances of each case. A second or subsequent review can be made at any time at the discretion of the competent authority.

Retrospective revision—It is not considered advisable that any order revising the rate of subsistence allowance should be given retrospective effect. This is merely an advice of caution intended to serve as a guide line to the competent authority ordering variation in subsistence allowance as such authority in all cases shall initiate action in sufficient time so that requisite order can take effect as soon as a suspended officer completes three months under suspension. This does not override the power of the competent authority conferred under this rule to revise the subsistence allowance. As such, in case an order for variation of subsistence allowance under this rule is passed by the competent authority (disciplinary or appellate) after quite some time from the expiry of the requisite three months and that authority is satisfied that the variation has got to be recorded in writing and orders accordingly, the same shall be valid and binding on all concerned.

(d) Deemed suspension and law of Limitation—A Government employee in whose case the order of suspension is deemed to have been continued in force or who is deemed to have been placed under suspension from the date of original order of dismissal|removal|compulsory retirement from service under relevant provisions of the West Bengal Services (Classification, Control and Appeal) Rules, 1971, he is to be paid subsistence and other allowances under this rule with retrospective effect from the date of order of such dismissal, removal| compulsory retirement.

****72. (1) When a Government employee who has been dismissed, removed or compulsorily retired is reinstated as a result of appeal or review or would have been so reinstated but for his retirement on superannuation while under suspension**

Pay and allowances on reinstatement.

or not, the authority competent to order reinstatement shall consider and make a specific order—

(a) regarding the pay and allowance to be paid to the Government employee for the period of his absence from duty including the period of suspension preceding his dismissal, removal or compulsory retirement, as the case may be; and

(b) whether or not the said period shall be treated as a period spent on duty.

(2) Where the authority competent to order reinstatement is of opinion that the Government employee who had been dismissed, removed or compulsorily retired has been fully exonerated, the Government employee shall, subject to the provisions of sub-rule (6), be paid the full pay and allowances to which he would have been entitled, had he not been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal or compulsory retirement, as the case may be.

Provided that where such authority is of opinion that the termination of the proceedings instituted against the Government employee had been delayed due to reasons directly attributable to the Government employee it may, after giving him an opportunity to make his representation within sixty days from the date on which the communication in this regard is served on him and after considering the representation, if any, submitted by him, direct, for reasons to be recorded in writing, that the Government employee shall, subject to the provisions of sub-rule (7), be paid for the period of such delay, only such amount (not being the whole) of such pay and allowances as it may determine.

(3) In a case falling under sub-rule (2), the period of absence from duty including the period of suspension preceding dismissal, removal or compulsory retirement, as the case may be, shall be treated as a period spent on duty for all purposes.

(4) In cases other than those covered by sub-rule (2), including cases where the order of dismissal, removal or compulsory retirement from service is set aside by the apellate or reviewing authority solely on the ground of non-compliance with the requirements of clause (1) or clause (2) of article 311 of the Constitution of India and no further inquiry is proposed to be held the Government employee shall subject to the provisions of sub-rules (6) and (7), be paid such amount (not being whole) of the pay and allowances to which he would have been entitled, had he not been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal or compulsory retirement, as the case may be, as the competent authority may determine after giving notice to the Government employee of the quantum proposed after considering the representation, if any, submitted by him in that connection within such period, which in no case shall exceed 60 days from the date on which the notice has been served, as may be specified in the notice.

(5) In a case falling under sub-rule (4) the period of absence from duty including the period of suspension preceding his dismissal, removal or compulsory retirement, as the case may be, shall not be treated as a period spent on duty, unless the competent authority specifically directs that it shall be treated so for any specified purpose:

Provided that if the Government employee so desires, such authority may direct that the period of absence from duty including the period of suspension preceding the dismissal, removal or compulsory retirement, as the case may be, shall be converted into leave of any kind due and admissible to the Government employee.

Note.—The order of the competent authority under the proviso to this sub-rule shall be absolute and no higher sanction shall be necessary for the grant of—

(a) extraordinary leave in excess of three months in the case of temporary Government employee; and

(b) leave of any kind in excess of five years in the case of permanent Government employee.

(6) The payment of allowances under sub-rule (2) or sub-rule (4) shall be subject to all other conditions under which such allowances are admissible.

(7) The amount determined under the proviso to sub-rule (2) or under sub-rule (4) shall not be less than the subsistence allowance and other allowances admissible under rule 71.

(8) Any payment made under this rule to a Government employee on his reinstatement shall be subject to adjustment of the amount, if any, earned by him through an employment during the period between the date of removal, dismissal or compulsory retirement, as the case may be, and the date of reinstatement. Where the emoluments admissible under this rule are equal to or less than the amounts earned during the employment elsewhere, nothing shall be paid to the Government employee.

Pay and allowances on reinstatement when orders of dismissal, etc. are set aside by a court of law.

****72A. (1) Where the dismissal, removal or compulsory retirement of a Government employee is set aside by a Court of law, and such Government employee is reinstated without holding any further inquiry, the period of absence from duty shall be regularised and the Government employee shall be paid pay and allowances in accordance with the provisions of sub-rule (2) or sub-rule (3) subject to the directions, if any, of the Court.**

(2) (i) Where the dismissal, removal or compulsory retirement of a Government employee is set aside by the court solely on the ground of non-compliance with the requirements of clause (1) or clause (2) of article 311 of the Constitution, and where he is not exonerated on merits, the Government employee shall, subject to the provisions in sub-rule (7) of rule 72 be paid such amount (not being the whole) of the pay and allowances to which he would have been entitled had he not been dismissed, removed or compulsorily retired, or suspended

prior to such dismissal, removal or compulsory retirement, as the case may be, as the competent authority may determine after giving notice to the Government employee of the quantum proposed and after considering the representation, if any, submitted by him, in that connection, within such period, which in no case shall exceed sixty days from the date on which the notice has been served, as may be specified in the notice.

(ii) The period intervening between the date of dismissal, removal or compulsory retirement including the period of suspension preceding such dismissal, removal or compulsory retirement, as the case may be, and the date of judgement of the Court shall be regularised in accordance with the provisions contained in sub-rule (5) of rule 72.

(3) If the dismissal, removal or compulsory retirement of a Government employee is set aside by the Court on the merits of the case, the period intervening between the date of dismissal, removal or compulsory retirement including the period of suspension preceding such dismissal, removal or compulsory retirement, as the case may be, and the date of reinstatement shall be treated as duty for all purposes and he shall be paid the full pay and allowances for the period, to which he would have been entitled, had he not been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal or compulsory retirement, as the case may be.

(4) The payment of allowances under sub-rule (2) or sub-rule (3) shall be subject to all other conditions under which such allowances are admissible.

(5) Any payment made under this rule to a Government employee on his reinstatement shall be subject to adjustment of the amount, if any, earned by him through an employment during the period between the date of dismissal, removal or compulsory retirement and the date of reinstatement. Where the emoluments admissible under this rule are equal to or less than those earned during the employment elsewhere, nothing shall be paid to the Government employee.

Pay and allowances on reinstatement by competent authority.

**72B. (1) When a Government employee who has been suspended is reinstated or would have been so reinstated but for his retirement including premature retirement while under suspension, the authority competent to order reinstatement shall consider and make a specific order—

(a) regarding the pay and allowances to be paid to the Government employee for the period of suspension ending with reinstatement or the date of retirement including premature retirement, as the case may be; and

(b) whether or not the said period shall be treated as a period spent on duty.

(2) Notwithstanding anything contained in rule 71, where a Government employee under suspension dies before the disciplinary or court proceedings instituted against him are concluded, the period between the date of suspension and the date of death shall be treated as duty for all purposes and his family shall be paid the full pay and allowances for the period to which he would have been entitled had he not been suspended, subject to adjustment in respect of subsistence allowance already paid.

(3) Where the authority competent to order reinstatement is of opinion that the suspension was wholly unjustified, the Government employee shall, subject to the provisions of sub-rule (8), be paid the full pay and allowances to which he would have been entitled, had he not been suspended:

Provided that where such authority is of opinion that the termination of the proceedings instituted against the Government employee had been delayed due to reasons directly attributable to the Government employee it may, after giving him an opportunity to make his representation within sixty days from the date on which the communication in this regard is served on him and after considering the representation, if any, submitted by him, direct, for reasons to be recorded in writing, that the Government employee shall be paid for the period of such delay only such amount (not being the whole) of such pay and allowances as it may determine.

(4) In a case falling under sub-rule (3) the period of suspension shall be treated as a period spent on duty for all purposes.

(5) In cases other than those falling under sub-rule (2) or sub-rule (3), the Government employee shall, subject to the provisions of sub-rules (8) and (9), be paid such amount (not being whole) of the pay and allowances to which he would have been entitled had he not been suspended, as the competent authority may determine after giving notice to the Government employee of the quantum proposed and considering the representation, if any, submitted by him in that connection within such period which in no case shall exceed sixty days from the date on which the notice has been served as may be specified in the notice.

(6) Where suspension is revoked pending finalisation of the disciplinary or court proceedings, any order passed under sub-rule (1) before the conclusion of the proceedings against the Government employee, shall be reviewed on its own motion after the conclusion of the proceedings by the authority mentioned in sub-rule (1) who shall make an order according to the provisions of sub-rule (3) or sub-rule (5), as the case may be.

(7) In cases falling under sub-rule (5) the period of suspension shall not be treated as a period spent on duty unless the competent authority specifically directs that it shall be so treated for any specific purpose:

Provided that if the Government employee so desires, such authority may order that the period of suspension shall be converted into leave of any kind due and admissible to the Government employee.

Note.—The order of the competent authority shall be absolute and no higher sanction shall be necessary for the grant of—

(a) extraordinary leave in excess of three months in the case of temporary Government employee; and

(b) leave of any kind in excess of five years in the case of permanent Government employee.

(8) The payment of allowances under sub-rule (2), sub-rule (3) or sub-rule (5) shall be subject to all other conditions under which such allowances are admissible.

(9) The amount determined under the proviso to sub-rule (3) or under sub-rule (5) shall not be less than the subsistence allowance and other allowances admissible under rule 71.

Note 1.—When the orders passed are in respect of a Government employee in temporary employ, regard should be had to the period for which the temporary appointment was sanctioned.

Note 2.—A permanent post vacated by the dismissal, removal or compulsory retirement of a Government employee should not be filled up substantively until the expiry of the period of one year from the date of such dismissal, removal or compulsory retirement, as the case may be. On the expiry of the period of one year the post may be filled up substantively subject to the condition that the arrangement so made will be reversed if the dismissed Government employee is reinstated on appeal or otherwise. It is not necessary to keep a post vacant for a period of one year to provide for the contingency of subsequent re-instatement and confirmation in respect of an officer who at the time of dismissal, removal or compulsory retirement was not holding substantively permanent post but would have been considered for confirmation but for the penalty imposed.

Note 3.—Where the period of suspension is ordered to be treated as one spent on leave and when on conversion it is found that part of the period is treated as extraordinary leave for which no leave salary is admissible, the recovery of the subsistence allowance already paid shall be in order. The moment the period of suspension is converted into leave it has the effect of vacating the order of suspension and it would be deemed not to have been passed at all. Therefore, if it is found that the total amount of the subsistence and other allowances that an officer received during the period of suspension exceeds the amount of leave salary and allowances, the excess shall have to be refunded.

Note 4.—A person who is removed or dismissed from service has no locus standi as a Government employee. There is thus no bar to such a person accepting an employment when an appeal or a representation against the penalties imposed on him is pending before a higher authority or where a suit against Government for redress of his grivances is sub-judice in the Court of Law. If, however, the penalty of removal or dismissal from service is set aside in consequence of or by a decision of the higher authority or of the Court of Law and the person concerned is reinstated in service from a date earlier than the date on which the relevant order is passed, arrear due, if any, admissible to the reinstated person shall be deducted by the amount drawn during the period of such employment.

73. Omitted[1].

74. Leave may not be granted to a Government employee while he is under suspension or committed to prison.

Leave during a period of suspension or while in prison.

Note 1.—This rule does not prevent the grant to a Government employee on the termination of the period of his suspension or of the proceedings in connection with which he was committed to prison, of leave for the period of his suspension or commital to prison.

Note 2.—In an establishment where provision for leave reserves exists any vacancy caused on account of the suspension of a Government employee or of his commital to prison for debt or on a criminal charge should be filled by a reservist and where a "reservist" is not available, the post should, subject to the provision of Note 1 below rule 55, be filled by an officiating appointment. It is, however, not necessary to create an extra post.

74A. **The rules in this Chapter will also apply to the Work-Charged Staff employed under the different Departments of the Government.**

Work Charged Staff.

CHAPTER X—COMPULSORY RETIREMENT

****75. (a) Except as otherwise provided in these rules, a Governmet employee other than a member of the Group D service shall retire from service compulsorily with effect from the afternoon of the last day of the month in which he attains the age of fifty-eight years:**

For Group A, Group B and Group C Service.

Provided that a Government employee other than a member of the Group D service whose date of birth is the first of a month shall retire from service with effect from the afternoon of the last day of the preceding month of attaining the age of fifty-eight years:

[1]Decision in Finance Department, file No. IR—18 (28)/71.

Provided further that the age-limit for retirement as prescribed in this rule shall not be applicable in cases where higher age-limit upto 60 years for retirement has been fixed under any general or special orders of Government.

*Note.—In cases where the Matriculation certificate does not show the actual date of birth and instead shows the age of the candidate as on the 1st March of the year in which the examination was held in terms of years and months only excluding days, Government may alter the date of birth recorded in the Service Book to correspond to the actual date of birth, if the Government employee concerned is able to produce acceptable documentary evidence in the form of an extract from Birth Register or Admission Register of the Institution concerned etc. in support of the actual date of birth claimed by him, and decision to retire him shall be taken on the basis of such altered date of birth. Where, however, the date of birth of a Government employee has been recorded as the first day of a month on the basis of Matriculation certificate showing the age as on the 1st March of the year in which the examination was held in terms of years and months only and where it is not possible to ascertain the exact date of birth on the basis of any acceptable documentary evidence like extract from the Birth Register or Admission Register of the Institution concerned etc., it shall be presumed that the actual date of birth of the Government employee was a day other than the first day of the month and he may be allowed to retire on the last day of the same month instead of the last day of the previous month.

****(aa) Notwithstanding anything contained in this rule, the appointing authority shall, if it is of opinon that it is in the public interest so to do, have the absolute right to retire any Government employee by giving him notice of not less than 3 months in writing or 3 months' pay and allowances in lieu of such notice—**

(i) if he is in Group A or Group B (erstwhile gazetted) service or post, and had entered Government service before attaining the age of 35 years, after he has attained the age of 50 years; and

(ii) in all other cases, after he has attained the age of 55 years.

Note.—(i) If on a review of the case either on a representation from the Government employee retired prematurely or otherwise, it is decided to reinstate the Government employee in service, the authority ordering reinstatement may regulate the intervening period between the date of premature retirement and the date of reinstatement by the grant of leave or, by treating it as **dies non** depending upon the facts and circumstances of the case :

Provided that the intervening period shall be treated as a period spent on duty for all purposes including pay and allowances, if it is specifically held by the authority ordering reinstatement that the premature retirement was itself not justified in the circumstances of the case, or if the order of premature retirement is set aside by the Court of Law.

(ii) Where the order of premature retirement is set aside by a Court of Law with specific directions in regard to regulation of the period between the date of premature retirement and the date of re-instatement and no further appeal is proposed to be filed, the aforesaid period shall be regulated in accordance with the directions of the Court.

****(aaa) Any Government employee may, by giving notice of not less than 3 months in writing to the appointing authority, retire from Government service after he has attained the age of 50 years, if he is in Group A or Group B (erstwhile gazetted) service or post, and had entered Government service before attaining the age of 35 years; and in all other cases, after he has attained the age of 55 years, provided that it shall be open to the appointing authority to withhold permission to a Government employee under suspension who seeks to retire under this sub-rule.**

**Note 1.—In computing the three months notice period referred to in sub-rule (aa) and (aaa), the date of service of the notice and the date of its expiry shall be excluded.

Note 2.—The 3 months' notice referred to in sub-rule (aa) or sub-rule (aaa) above, may be given before the Government employee attains the age specified in the said sub-rules, provided that the retirement takes place after the Government employee has attained the specified age.

Note 3.—The appointing authority should invariably keep on record that in his opinion it is necessary to retire the Government employee in persuance of aforesaid rule in public interest. [1]

(b) The Administrator-General and Official Trustee, West Bengal, Official Receiver and Deputy Official Receiver, High Court, Official Assignee and Deputy Official Assignee, West Bengal and the Deputy Sheriff shall (unless appointed by promotion or transfer from any of the State Services) be required to retire on attaining the age of 60 years.[2]

(c) Summons, Bailiffs, Small Cause Court, Calcutta and the Head Jamadar of the Sheriff's Office, Calcutta, shall be required to retire on attaining the age of 60 years.

**Note 1.—The present policy of the Government is not to sanction any extension of or retention in service beyond the age of compulsory retirement. All proposals for extension of or retention in service beyond the age of compulsory retirement shall require the approval of Government.[3]

Note 2.—In many cases extension of or retention in service beyond the age of compulsory retirement had to be granted merely because the question of filling up the resultant vacancies had not been taken up well in advance. With a view to avoid such contingencies the Head of a Department, Directorate or Office is advised to prepare, in the month of January each year, a list of officers due for retirement in the following calender year and take all necessary steps to fill up in due course the vacancy to be caused by the retirement of an officer.

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[1]F.D. Notification No. 2762-F., dated 23rd June 1971.
[2]F.D. ,, No. 2940-F., dated 23rd August 1968.
[3]F.D. ,, No. 3802-F., dated 10th October 1968.

**Note 3.—The provisions in sub-rule (a), (aa) and (aaa) are in addition to those contained in rules 58 to 60 of the West Bengal Services (Death-cum-Retirement Benefits) Rules, 1971 regarding retirement on retiring pensions.

**Note 4.—In case the appointing authority decides to retire a Government employee prematurely with immediate effect the payment of pay and allowances in lieu of the notice period shall be made to the Government employee concerned simultaneously with the order of retirement.

For Group 'D' Service.

76. **(a) Subject to the provisions of sub-rule (b), a Government employee in Group D service shall ordinarily be required by the appointing authority to retire from service with effect from the afternoon of the last day of the month in which he attains the age of sixty years, but provided that he continues to be both physically fit and mentally alert for further service, he may be retained in service by the appointing authority upto the afternoon of the last day of the month in which he attains the age of sixty-two years and by the Government up to the afternoon of the last day of the month in which he attains the age of sixty-five years.**

(b) A Government employee in Group D service appointed or re-appointed after termination of the previous service on or after 1st July, 1948, shall be required by the appointing authority to retire from service compulsorily with effect from the afternoon of the last day of the month in which he attains the age of sixty years, except in very special circumstances which must be recorded in writing and with the sanction of Government:

Provided that a Government employee in Group D service whose date of birth is the first of a month shall retire from service with effect from the afternoon of the last day of the preceding month of attaining the age of sixty, sixty-two or sixty-five years, as the case may be.

Note 1.—Vide Notes 1 and 2 below rule 75.

Note 2.—Government employees who, consequent upon the introduction of the West Bengal Services (Revision of Pay and Allowance) Rules, 1981 have become Group C employees, although prior to such revision of pay scales they were in Group D, may be treated as belonging to Group D Government employees for the purpose of age of retirement and they may accordingly be retained in service upto the age of 65 or 62 years in accordance with provisions of sub-rule (a) or sub-rule (b) of this rule. For all other purposes, as for examples disciplinary matters, such Government employees shall however be treated as belonging to Group C.

Note 3.—It is clarified that the benefit of retirement at the age of 60|65 years, referred to in Note 2 above, will be admissible only in cases of appointment to higher grade within the same categories of Group 'D' posts and not in cases of normal promotion to higher posts belonging to Group 'C'.

77. **Omitted.**

78. The age of compulsory retirement of a Government employee holding an officiating appointment is regulated by the rules applicable to his officiating appointment and not by those applicable to his substantive appointment.

For Government employes holding officiating appointment.

79. When a Government employee is required to retire, revert or cease to be on leave on attaning a specified age, the date on which he attains that age shall be reckoned as a non-working day, and the Government employee shall retire, revert or cease to be on leave as the case may be, with effect from and including that day.

Calculation of the date of retirement.

79A. Notwithstanding anything contained in the foregoing rules or in any rules of recruitment, the State Government may re-employ or appoint any person on his attaining the age of superannuation or after he has attained such age to any post if before superannuation such person held a post, under the Central or any State Government not inferior to the post in which he is re-employed or to which he is appointed, provided that he shall not earn any pension for the period of such re-employment or appointment.

Re-employment of Government employees.

CHAPTER XI—JOINING TIME

**80. Subject to the general conditions that the authority ordering the posting may in any case curtail, and that Government may in any case extend, the amount of joining time admissible under this Chapter, a Government employee is entitled to joining time to enable him—

Condition of its grant.

(a) to join a new post to which he is appointed on transfer in the interest of public service while on duty in his old post; or

(b) to join a new post—

(i) on return from leave of not more than six months' duration or from combined vacation and leave amounting to not more than six months' or

(ii) when, in the opinion of the authority who granted the leave, the Government employee has not had sufficient notice of his new appointment, on return from leave other than that specified in sub-clause (i); or

(c) when he returns from leave (or leave and vacation combined) out of India of more than six months' duration, to travel from the port of disembarkation in India, or, in the case of arrival by aircraft, from its first regular port in India, or to organise his domestic establishment, or for both of such purposes; or

(d) to proceed—

(i) on return from leave from a specified place to join a post in a remote station which is not easy of access, or

(ii) on departure on leave on relinquishing charge of a post in a remote station which is not easy of access, to a specified place:

Provided that joining time shall not be allowed for the purposes specified in clause (c) to the Administrator-General and Official Trustee.

Note 1.—For the purpose of this rule, Colombo or a port in Pakistan is not deemed to be a port in India.

Note 2.—The joining time and travelling allowance of military officers in civil employ are governed by the civil rules in virtue of the provisions of paragraph 593 of the Regulations for the Army in India and paragraphs 2(iii) and 14 of the Defence Services Regulations, India—Passage Regulations, respectively. These rules admit of the grant of joining time and travelling allowance to military officers in Civil employ not only on the occasions of their transfer to the civil employ and retransfer to military employ but also when they are actually serving in Civil employ. For the purposes of these rules, privilege leave under the military leave rules should be treated as leave on average pay of not more than four months' duration.

Note 3.—The period of leave and not the nature of leave is the criteria. Leave includes, all kinds of leave including extraordinary leave except, special disability leave.

(e) The surplus staff transferred from one post to another under the Scheme for absorption of surplus staff shall be eligible for joining time.

(f) Government employees who are discharged due to reduction of establishment from the Government office and re-appointed to another Government office shall be entitled to joining time, if the orders of appointment to the new post are received by them while working in the old post. If they are appointed to the new post after being discharged from the old post, the period of break may be converted into joining time without pay by the Head of Department provided that the break does not exceed 30 days and the Government employee has rendered not less than 3 years continuous service on the date of his discharge.

(g) For appointment to posts under the Government on the results of a competitive examination and/or interview open to Government employee and others permanent/provisionally permanent State Government employees will be entitled to joining time under these rules. But temporary employees of the Government who have not completed 3 years of regular continuous service, though entitled to joining time would not be entitled to joining time pay.

****81. (1) In cases involving transfer from one station to another and also involving change of residence, the Government employee shall be allowed joinig time with reference to the distance between the old headquarters and the new headquarters by direct route and ordinary mode(s) of travel as indicated in the following Schedule. When holiday(s) follow(s) joining time, the normal joining time may be deemed to have been extended to cover such holiday(s).** Period admissible.

The Schedule

Distance between the old Headquarters and the new Headquarters.	Joining time admissible.	Joining time admissible where the transfer necessarily involves continuous travel by road for more than 200 km.
1,000 km. or less	10 days	12 days
More than 1,000 km.	12 days	15 days

Note.—Distance means actual distance and not weighted mileage for which fare is charged by the Railways in certain ghat|hill sections.

(2) Extension of joining time beyond the limits indicated in sub-rule (1) can be granted up to the maximum limit of 30 days by the Head of Department or in respect of Group B, Group C and Group D employees under him by a Deputy Inspector-General of Police and beyond 30 days by the Government, the guiding principle being that the total period of joining time shall be approximately equal to 8 days for preparation plus reasonable transit time plus holidays, if any, following the extended joining time. While computing the transit time, allowance could be made for the time unavoidably spent due to disruption of transport arrangements caused by strike or natural calamities or the period spent awaiting the departure of the steamer, when ordinary mode of travelling cannot be used or Government employee has fallen ill on his journey.

(3) (i) When a Government employee joins the new post without availing of the full joining time, the number of days of joining time, admissible under sub-rule (1) subject to the maximum of 15 days, reduced by the number of days actually availed of shall be credited to his leave account as earned leave.

(ii) Joining time may be combined with vacation and|or regular leave of any kind or duration except casual leave.

82. When a new post is not in a new station, i.e., within the same station or when a Government employee does not change his residence on transfer from one station to another, the joining time admissible is one day only. When transfer is not in a new station or does not involve a change of residence.

Note 1.—A holiday counts as a duty for the purpose of this rule.

Note 2.—For the purpose of this rule the term "same station" will be interpreted to mean the area falling within the jurisdiction of the Municipality or Corporation including such of suburban municipality, notified areas, cantonment, etc., as are contiguous to the main municipality, etc.

83. **Omitted.

84. **Omitted.

Route for calculation.

85. **By whatever route a Government employee actually travels, his joining time shall, unless the Head of his Department for special reasons orders otherwise, be calculated with reference to the route which travellers commonly use.**

Making over charge away from Headquarters.

86. **If a Government employee is authorised under rule 28 to make over charge of his post elsewhere than at its headquarters his joining time shall be calculated from the place at which he makes over charge.**

While in transit from one post to another.

87. **If a Government employee in transit on transfer is directed to proceed to a place different from that indicated in the initial transfer orders, he shall be entitled to joining time already availed of up to the date of receipt of revised orders plus fresh spell of full joining time from the date following the date of receipt of the revised orders. The fresh spell of joining time in such cases shall be calculated from the place, at which he received the orders as if he is transferred from that place.

When leave intervenes.

88. **If a Government employee takes leave while in transit from one post to another, the period which has elapsed since he handed over charge of his old post shall be included in his leave. On the expiry of the leave, the Government employee may be allowed normal joining time.**[1]

On return from leave.

89. **The joining time admissible to a Government employee under clause (b) of rule 80 shall be calculated from his old station or from the place at which he received his order of appointment, whichever place entitles him to the less joining time. Joining time admissible under sub-clause (ii) of the said clause will run from the date on which the Government employee receives his order of appointment and not from the expiry of his leave.**

Note I.—If a Government employee on leave out of India receives his order of appointment prior to his arrival in India, the port of debarkation shall be deemed to be "the place at which he received his order of appointment" for the purpose of this rule.

On transfer during a vacation or holidays.

90. (1) **A Government employee on transfer during a vaction may be permitted to join at the end of the vacation, although the joining time ordinarily admissible is thereby exceeded.

Note 1.—Omitted.

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[1]Notification No. 3116-F., dated 10th August 1966.

(2) When holiday(s) follow(s) joining time, the normal joining time may be deemed to have been extended to cover such holiday(s).

Extension of joining time.

**91. (1) Extension of joining time beyond the limit may be granted up to the maximum limit of 30 days by the Head of the Department or in respect of Group B, Group C and Group D employees under him, by the Deputy Inspector-General of Police and beyond 30 days, by the Government, guiding principal being that the total period of joining time shall be approximately equal to 8 days for preparation plus reasonable transit time plus holidays, if any, following the extended joining time. While computing the transit time allowance could be made for the time unavoidably spent due to disruption of transport arrangements caused by strike or natural calamities or the period spent awaiting the departure of the steamer, when ordinary mode of travelling cannot be used or Government employee has fallen ill during his journey.

(2) Subject to the conditions laid down in sub-rule (1), the High Court may grant extension of joining time to the members of the West Bengal Higher Judicial Service and the West Bengal Civil Service (Judicial).

When transferred to the control of another Government.

**92. When a Government employee is transferred to the control of another Government in India, his joining time for the journey to join his post under the Government and for the return journey, will be governed by the rules of that Government unless different provisions are expressly made in the terms of deputation by mutual agreement between the lending and the borrowing authorities.

Pay or leave salary of Government employee holding substantive appointment.

**93. A Government employee shall be entitled to be paid while on joinig time—

(a) under clause (a) of rule 80, the pay which he would have drawn had he not been transferred. He will also be entitled to dearness allowance, if any appropriate to the joining time pay. In addition he can also draw compensatory allowances as applicable to the old station from which he was transferred. He shall not be allowed conveyance allowance or permanent travelling allowance.

(b) under clause (b) or (c) of rule 80—

(i) when returning from extraordinary leave other than extraordinary leave not exceeding 14 days granted in continuation of other leave, nothing;

(ii) when returning from leave of any other description, the leave salary which he last drew on leave at the rate prescribed for the payment of leave salary in India;

(c) under clause (d) of rule 80, pay as though he were on duty in his post.

Note 1.—A Government employee on transfer is not entitled to be paid while on joining time unless his transfer is made in the public interest.

Note 2.—For the joining time pay of Military Commissioned Officers reference should be made to Fundamental Rules of the Government of India.

Penalty for exceeding joining time.

94. A Government employee who does not join his post within his joining time is not entitled to any pay or leave-salary for the period between the expiry of his joining time and his taking over charge of his post.

Pay or leave salary of Government employee having no substantive appointment.

95. A Government employee having no substantive appointment under Government is not entitled to any pay or leave-salary during joining time, but if while officiating in a post, he is transferred in the public interest to another post, the authority ordering the transfer may allow him joining time and to draw pay during his transit under clause (a) of rule 93.

Note.—A probationer who is transferred in the interest of public service shall get the benefit of the rule.

Non-Government employees on temporary appointment under Government.

96. When the services of a person in employment other than Government service are required for a temporary purpose, such person is not ordinarily entitled either to joining time or to pay until he actually takes up his appointment under Government: Provided, however, that the appointment of such person is made in the public interest and that Government are satisfied that he will lose the emoluments of his private employment during the periods required either to join his appointment under Government or to return therefrom to his private employment, he may be allowed for such periods such joining time, not exceeding the amount admissible to a Government employee under clause (a) of rule 80, as Government think fit, and during such joining time he may be granted pay at such rate as Government may determine, not exceeding his pay while in Government employ or the emoluments (pay or leave salary as the case may be) which he last drew in his private employment whichever is less.

CHAPTER XII—FOREIGN SERVICE

Conditions of transfer.

97. No Government employee shall be transferred to foreign service whether within or outside India, against his will, and all transfers to foreign service require the sanction of Government:

Provided that the consent of a Government employee shall not be necessary to his transfer to the service of a body-incorporate or not, which is wholly or substantially owned or controlled by any State Government or Government of India.[1]

Note.—The following orders shall govern the pay, the amount of joining time admissible and the pay admissible during joinig time in the case of officers transferred to foreign service:

(1) When the transfer of a Government employee to foreign service is sanctioned, the pay which he shall receive in such service must be precisely specified in the order sanctioning the transfer. If it is intended that he shall receive any remuneration, or enjoy any concession of pecuniary value, in addition to his

[1]F. D. Notification No. 5027-F. dt. 19-11-66.

pay proper, the exact nature of such remuneration or concession must be similarly specified. No Government employee will be permitted to receive any remuneration or enjoy any concession which is not so specified and if the order is silent as to any particular remuneration or concession, it must be assumed that the intention is that it shall not be enjoyed.

(2) No order of tranfer to foreign service shall be issued without previous consultation with the Finance Department.

(3) The following two general principles must be observed in sanctioning the conditions of transfer :—

(a) The terms granted to the Government employee will not be such as to impose an unnecessary heavy burden on the foreign employer.

(b) The terms granted will not be so greatly in excess of the remuneration which the Government employee would receive in Government service as to render foreign service appreciably more attractive than Government service.

(4) Provided that the two principles laid down in paragraph (3) above are observed, Government may sanction after prior consultation with the foreign employer the grant of the following concessions by the foreign employer. Such concessions will not be sanctioned as a matter of course, but in those cases only which Government considers that circumstances justify their grant :—

(a) the payment of contributions towards leave salary and pension under the ordinary rules regulating such contirbutions.

(b) the grant of travelling allowance under the ordinary rules of Government or under the rules if any, of the foreign employer and of permanent travelling allowance, conveyance allowance and horse allowance.

(c) the use of tents, boats and transport owned or hired by the foreign employer on tour : provided that this accompanied by a corresponding reduction in the amount of travelling allowance admissible.

(d) the grant of free residential accomodation, which may be furnished in cases in which Government consider this to be desirable, on such scale as may seem proper to Government.

(5) the grant of any concession not specified in paragraph 4 above also requires the sanction of Government and in practice the foreign employer would be consulted before such sanction was granted.

98. **A transfer to foreign service is not permissible unless—**

(a) the duties to be performed after the transfer are such as should, for public reasons, be rendered by a Government employee, and

(b) the Government employee transferred holds at the time of transfer, a post either permanent or temporary, paid from general revenues, or holds a lien on a permanent post or, would hold a lien on such a post had his lien not been suspended.

99. **If a Government employee is transferred to foreign service while on leave, he ceases, from the date of such transfer, to be on leave and to draw leave salary.**

100. **(1) A Government employee transferred to foreign service shall remain in the cadre or cadres in which he was included in a substantive or officiating capacity immediately before his transfer, and may be given such substantive or officiating promotion in those cadres as the authority competent to order promotion may decide. In giving promotion, such authority shall take into account—**

(a) the nature of the work performed in foreign service; and

(b) the promotion given to juniors in the cadre in which the question of promotion arises.

(2) Nothing in this rule shall prevent a member of a Group 'C' or Group 'D' Service from receiving such other promotion in Government service as the authority who would have been competent to grant the promotion had he remained in Government service may decide.

Note 1. This rule does not apply to a Government employee having no lien or suspended lien on a permanent post under Government.

101. **A Government employee in foreign service will draw pay from the foreign employer from the date on which he relinquishes charge of his post in Government service. Subject to the provisions of rule 97, the amount of his pay, the amount of joining time admissible to him and his pay during such joining time will be fixed by Government in consultation with the foreign employer.**

Leave and pension contributions.

102. **(1) While a Government employee is in foreign service, contributions must be paid to Government—**

(i) towards the cost of his pension;

(ii) if the foreign service is in India, towards the cost of leave-salary;

**Note.—The foreign employer shall maintain a leave account of the Government employee concerned. An extract of the leave account can be supplied to him by the concerned Head of the Office. The foreign employer shall determine the leave admissible to the Government employee concerned and sanction it under intimation to the concerned Head of Office. The foreign employer will then make payment of the leave salary to the officer concerned. Thereafter, he may claim half yearly reimbursement of leave salary so paid from the concerned Head

of Office. For this purpose he may send his claim duly supported with the details of the official on foreign service, nature and period of leave sanctioned, rate of leave salary and amount of leave salary paid, to the concerned Head of Office. The half-yearly re-imbursement suggested may be in respect of the period from 1st April to 30th September and from 1st October to 31st March. The concerned Head of Office should verify the claims preferred by the foreign employer and arrange to re-imburse the amount through Bank draft|cheques, as the case may be, in favour of foreign employer within a month of the receipt of the claim.

(2) Contribution due under clauses (i) and (ii) of sub-rule (1) shall be paid by the Government employee himself, unless the foreign employer agrees to pay them, but they shall not be payable during leave taken while in foreign service.

(3) By special arrangement made under sub-rule (2) of rule 110, contributions on account of leave-salary may be required in the case of foreign service out of India also, the contributions being paid by the foreign employer.

Note 1.—Pensions throughout this Chapter, include Government contributions, if any, payable to a Government employee's credit in a provident fund.

103. **A copy of the orders sanctioning a Government employee's transfer to foreign service must always be communicated to the Accounts Officer. The Government employee himself should, without delay—**

(i) communicate a copy to the officer who audits his pay, and take his instructions as to the officer to whom he is to account for the contribution,

(ii) report to the latter officer the time and date of all transfers of charge to which he is a party when proceeding on, while in, and on return from, foreign service, and

(iii) furnish from time to time particulars regarding his pay in foreign service, leave taken by him, his postal address and any other information which that officer may require.

104. **(1) The rates of contribution prescribed in sub-rule (2) are designed to secure to the Government employee on foreign service the pension that he would have earned by service under Government, and leave salary on the scale and under the conditions applicable to him.**

(2) The rates of monthly contributions payable during the foreign service, including the periods of any joining time taken

while proceeding to or returning from foreign service shall, subject to such directions as may be issued by Government in this behalf be as follows:

*(i) for Pension, in accordance with the following tables :—

Length of Service	Group 'A' employees	Group 'B' employees	Group 'C' employees	Group 'D' employees
1	2	3	4	5
Years	Rs.	Percentage of maximum monthly pay		
0—1	48	4	5	7
1—2	56	5	5	7
2—3	64	5	6	8
3—4	73	5	6	8
4—5	81	6	6	8
5—6	89	6	7	8
6—7	97	6	7	8
7—8	105	7	7	8
8—9	113	7	8	8
9—10	121	7	8	8
10—11	129	8	8	8
11—12	137	8	8	9
12—13	145	8	9	9
13—14	153	8	9	9
14—15	161	9	9	9
15—16	169	9	10	9
16—17	177	9	10	9
17—18	185	10	10	9
18—19	193	10	11	9
19—20	201	10	11	9
20—21	209	11	11	9
21—22	218	11	11	10
22—23	226	11	12	10
23—24	226	11	12	10
24—25	226	11	12	10
25—26	226	11	12	10
26—27	226	11	12	10
27—28	226	11	12	10
28—29	226	11	12	10
Over 29	226	11	12	10

(ii) for leave salary in accordance with the following table :—

Grup 'A', Group 'B', Group 'C', Group 'D' employees, subject to the Leave Rules in section II of the Chapter XV—11 percent of pay drawn in foreign service.

Note 1.—The expression "length of service" in this rule means the total period running from the date from which service for pension commences or is likely to commence, including service counting for pension under Articles 370 and 371 of the Civil Service Regulations.

Note 2.—The leave salary contribution for the period of joining time taken by a Government employee in continuation of leave under clause (b) of rule 80 before reversion from foreign service, should be calculated on the pay he was getting immediately before he proceeded on leave.

Note 3.—Under the existing rules, Government may by order direct recovery of pension contribution in respect of temporary Government employee who are transferred to foreign services. As under the orders lately issued by Government, past temporary service if followed by confirmation counts for pension, there is a greater possibility of temporary service counting for pension and it is but reasonable that pension contribution should be recovered in all such cases. It has accordingly been decided that when a temporary Government employee is transferred to foreign service, pension contribution shall be recovered at the rate as in the case of permanent Government employees.

105. **Contribution may be remitted under orders of Government for any period for which a Government employee in foreign service is temporarily employed under Government on duties additional to or distinct from his duties in foreign service.**

*106. **Contribution for leave salary or pension, due in respect of a Government employee in foreign service, may be paid annually within fifteen days from the end of each financial year or at the end of foreign service, if the deputation on foreign service expires before the end of a financial year, and if the payment is not made within the said period, interest must be paid to Government on the unpaid contribution, unless specially exempted by Government, at the rate of two paise per day per Rs. 100 from the date of expiry of the period aforesaid up to the date on which the contribution is finally paid. The interest shall be paid by the Government employee or the foreign employer according as the contribution is paid by the former or the latter.**

107. **A Government employee in foreign service may not elect to withold contributions and to forfeit the right to count as duty in Government service the time spent in foreign employ. The contribution paid on his behalf maintains his claim to pension and leave salary, as the case may be, in accordance with the rules of the service of which he is a member. Neither he nor the foreign employer has any right of property in a contribution paid, and no claim for refund can be entertained.**

108. **A Government employee transferred to foreign service may not, without the sanction of Government, accept a pension or gratuity from his foreign employer in respect of such service.**

Leave in foreign service.

109. **A Government employee in foreign service in India may not be granted leave otherwise than in accordance with the rules or conditions as the case may be applicable to him**

as a Government employee, and may not take leave or receive leave salary from Government unless he actually quits duty and goes on leave.

Note 1.—A Government employee in foreign service in India is personally responsible for the observance of the rule regarding taking of leave and receiving leave salary as contained in this rule. If he accepts leave to which he is not entitled under this rule, he renders himself liable to refund leave salary irregularly drawn, and in the event of his refusing to refund, to forfeit his previous service under Government and to cease to have any claim on Government in respect of either pension or leave salary.

110. **(1) A Government employee in foreign service out of India may be granted leave by his employer on such conditions as the employer may determine. In any individual case, Government may determine beforehand, in consultation with the employer, the conditions on which leave will be granted by the employer. The leave salary in respect of leave granted by the employer will be paid by the employer and the leave will not be debited against the Government servant's leave account.**

(2) In special circumstances, Government may make an arrangement with the foreign employer, under which leave may be granted to the Government employee in accordance with the rules applicable to him as a Government employee, if the foreign employer pays to general revenue leave contribution at the rates prescribed under rule 104.

On Officiating appointment in a post under Government.

111. **A Government employee in foreign service, if appointed to officiate in a post in Government service will draw pay calculated on the pay of the post in Government service on which he holds a lien or would hold a lien had his lien not been suspended and that of the post in which he officiates. His pay in foreign service will not be taken into account in fixing his pay.**

Reversion from foreign service.

112. **A Government employee reverts from foreign service to Government service on the date on which he takes charge of his post in Government service: provided that, if he takes leave on the conclusion of foreign service before joining his post, his reversion shall take effect from such date as Government may decide.**

113. **If a Government employee proceeds on leave from his foreign service appointment, he shall not ordinarily be considered to have reverted to Government service until he rejoins his post under Government.**

114. **When a Government employee reverts from foreign service to Government service, his pay will cease to be paid by the foreign employer, and his contribution will be discontinued, with effect from the date of reversion.**

115. **The travelling allowance of a Government employee both when proceeding on transfer to foreign service and when reverting to duty under Goverment, shall be borne by the foreign' employer.** Travelling allowance.

116. **When an addition is made to a regular establishment on the condition that its cost, or a definite portion of its cost, shall be recovered from the persons for whose benefit the additional establishment is created, recoveries shall be made under the following rules:** When an addition is made to permanent staff.

(a) The amount to be recovered shall be the gross sanctioned cost of the service or of the portion of the service, as the case may be, and shall not vary with the actual expenditure of any month.

(b) The cost of the service shall include contribution at the rates laid down in rule 104 and the contribution shall be calculated on the sanctioned rates of pay of the members of the establishment.

(c) Government may reduce the amount of recoveries or may entirely forego them.

Note 1.—Omitted.

Note 2.—The amount to be recovered as pension contribution in the case of Group A employee shall be the average of the rates prescribed in column 2 of the table appended to rule 104 (2) (i) and in the case of Group B, Group C and Group D employees, a fraction of the total maximum monthly pay of all the sanctioned posts equal to the average of the percentages laid down in columns 3 4 and 5 respectively.

As regards contribution for leave salary, recoveries shall be made by levying the actual percentage prescribed in rule 104 (2) (ii) on the total sanctioned cost, or in the case of time-scale of pay on the average cost of all the posts concerned.

CHAPTER XIII—SERVICE UNDER LOCAL FUNDS

117. **Government employees paid from local funds which are administered by Government are subject to the provisions of Chapters I to XI and XIV to XVI of these rules.** Funds administered by Government.

Note 1.—Employees of local funds administered by Government who are not paid from general revenues and are, therefore, not Government employees are subject to the abovementioned provisions.

118. **A person transferred to Government service from a local fund not administered by Government shall be treated as joining a first post under Government, and his service under the local fund will not count as duty unless Government by special order and to such extent as they think fit to prescribe direct otherwise.** Funds not administered by Government.

CHAPTER XIV—PASSAGES FROM OR TO INDIA

Free Passage—Rules for the grant of—

119. Without prejudice to the power of Government to grant special relief in necessitous cases to enable Government employees or their dependants to travel from or to India, the grant of free passage is governed by the following rules.

120. A free passage under these rules shall be of such class and subject to such conditions as Government may by general or special order prescribe, and shall ordinarily be a passage by sea from or to Calcutta.

121. Omitted.

122. Free passages will ordinarily be granted for the journeys from and to India to Government employees deputed out of India in accordance with the rules in force for the time being:

Provided that the grant of return passages is conditional upon the Government employee's return to duty in India forthwith on the conclusion of his deputation, unless arrangements to the contrary are sanctioned by Government before the deputation ends.

123-143. Omitted.

CHAPTER XV—LEAVE

Section I.—General Conditions

Extent of application.

144. Unless in any case it be otherwise expressly provided in Section V of this Chapter, the rules in Sections I to IV of this Chapter apply to all Government employees to whom the West Bengal Service Rules, Part I, as a whole apply.

Government employees on foreign service or in deputation.

**145. Government amployees to whom these rules apply shall continue to be governed by these rules while on deputation or on foreign service within India. A portion of the leave charges shall, however, be borne by the borrowing Government in the manner laid down in Appendix 3 of the Account Code, Vol. I, or contribution shall be recoverable from the Statutory bodies under rule 104.

When transferred from a service or post to which these rules do not apply.

**146. Unless in any case it be otherwise provided in these rules, a Government employee to whom these rules do not apply—

(a) when transferred temporarily to a service or post to which these rules apply, shall remain subject to the leave rules which were applicable to him before such transfer;

(b) when appointed substantively to a permanent post to which these rules apply, shall become subject to these rules from the date of such appointment, in

which case the leave at his credit under the rules previously applicable to him shall be carried forward subject to the maximum limit of accumulation of 240 days as prescribed in rule 169. The leave so carried forward shall first be exhausted before the leave earned under these rules is availed of. Leave salary in respect of leave carried forward shall be borne by the Department|Statutory body or Government from which Government employee is transferred;

(c) a Government employee reverting from duty as Judge of a High Court or the Administrator-General and Official Trustee, West Bengal, may count such duty for leave as though it were duly performed in a Vacation Department all leave taken during the service concerned being treated as taken under these rules.

Counting of former service on re-employment.

147. (1) If a Government employee, who quits the public service on compensation or invalid pension or gratuity, is re-employed. and if his gratuity is thereupon refunded or his pension held wholly in abeyance, his past service thereby becoming pensionable on ultimate retirement, he may, at the discretion of the authority sanctioning the re-employment and to such extent as that authority may decide, count his former service towards leave.

(2) A Government employee who is dismissed or removed from the public service, but is reinstated on appeal or revision, is entitled to count his former service for leave.

**(3) Except as provided in this rule and rule 168A, any claim to leave at the credit of a Government employee who is dismissed or removed or who resigns from Government service, ceases from the date of such dismissal or removal or resignation.

**(4) Where a Government employee applies for another post under this Government but outside his parent office or department and if such application is forwarded through proper channel and the applicant is required to resign his post before taking up the new one, such resignation shall not result in the lapse of leave at his credit.

**148. Omitted.

Persons re-employed after retirement.

**149. In the case of a person re-employed after retirement, the provisions of these rules in this Chapter shall apply, as if, he had entered Government service for the first time on the date of his re-employment.

Grant of special disability leave.

**150. Special disability leave may be granted by the Secretaries in-charge of the Administrative Departments in favour of the employees under their administrative control after being personally satisfied that the necessary conditions and criteria for the grant of such leave as laid down elsewhere in the rules are fulfilled and the fact being recorded in writing.

Leave sanctioning authorities.

151. **Leave admissible under these rules may be granted to a Group A employee by the authority competent to fill up his post substantively, or subject to rule 150 and to any further conditions which Government think fit to impose, by an authority empowered in this behalf by Government.**

Note 1.—An authorisation to grant leave under this rule or rule 152 includes the power to grant leave in combination with Sundays, holidays and vacations, and subject to any conditions imposed or provision to the contrary in any case, to make the consequent acting arrangements.

**Note 2.—Authorities empowered to grant leave shall continue to do so to the extent covered by the existing general or special orders, as the case may be.

Note 3.—The intention underlying Note 1 is that when the day immediately following the day on which a Government employee's leave expires is a Sunday or holiday or one of series of holidays, the Government employee may be allowed to prefix or affix such Sunday or holiday(s), subject to the condition that he was otherwise fit to resume his duties before commencement or on expiry of his leave as the case may be but for Sunday or holidays. No prefixation or affixation should be allowed unless the aforesaid condition is fulfilled.[1]

152. **Subject to rule 150, leave admissible under these rules may be granted to a Group B, C, and D employee by the authority competent to fill his post substantively, or subject to such further restrictions as Government think fit to impose, by such other authority specially empowered in this behalf by Government.**

**Note 1.—Authorities empowered to grant leave shall continue to do so to the extent covered by the existing general or special orders, as the case may be.

Cannot be claimed as of right.

153. **(1) Leave cannot be claimed as of right. When the exigencies of the public service so require, discretion to refuse or revoke leave of any description is reserved to the authority empowered to grant it.**

****(2) A Government employee's claim to leave is regulated by the rules in force at the time the leave is applied for and granted.**

Note 1.—An authority competent to grant leave may refuse to grant the full amount of leave applied for in any case and should, by the exercise of this power, so regulate the date of a Government employee's return from leave as to cause as little change as possible in administrative arrangements.

Note 2.—Leave of any description should not be granted to an extent which would unduly deplete the strength of a service or department available for active duty. Consequently, when the duty strength has been reduced to a point which in the opinion of the leave sanctioning authority is for the time being an essential minimum, no further leave of any description will

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[1]Finance Department Memo No 243-F, dated 20th January 1966.

be given save in case of the most absolute necessity, such as sickness or most urgent private affairs, until the strength available for duty has increased. In applying this principles, special consideration may be given to the case of Government employees who applied for leave in India, for as they can be readily recalled, if necessary, they stand on a different footing from Government employees, who are out of convenient reach.

Note 3.—Applications for leave by Government employees likely to revert from higher pay should always be scrutinised with special jealousy, and the leave should be granted only when very cogent reason are adduced. It is not the intention of Government, however, that leave in ordinary circumstances should be granted more sparingly, the general principle being that a Government employee need not be debarred from taking the leave which he has earned at such times and for such periods as may suit the exigencies of the public service.

Date of beginning and end.

****154. Except as provided in rule 155 leave ordinarily begins on the day on which the transfer of charge is effected and ends on the day preceding that on which the charge is resumed.**

Combination of holidays with leave and joining time.

****155. (1) When the day immediately preceding the day on which a Government employee's leave (other than leave on medical certificate) begins or immediately following the day on which his leave expires, is a holiday or a series of holdays, the Government employee shall be deemed to have been permitted (except in cases where for administrative reasons permission for prefixing|suffixing holidays to leave is specifically withheld) to leave his station at the close of the day before, or return to it on the day following such holidays or series of holidays:**

Provided that—

(a) his transfer or assumption of charge does not involve the handing or taking over of securities or of monies other than a permanent advance;

(b) his early departure does not entail a correspondingly early transfer from another station of a Government employee to perform his duties; and

(c) the delay in his return does not involve a correspondingly delay in the transfer to another station of the Government employee who was performing his duties during his absence, or in the discharge from Government service of a person temporarily appointed to it.

(2) In the case of leave on medical certificate—

(a) when a Government employee is certified medically unwell to attend office, holiday(s), if any, immediately preceding the day he is so certified shall be allowed automatically to be prefixed to leave and the holiday(s), if any, immediately following the days he is so certified (including that day) shall be treated as part of the leave; and

(b) when a Government employee is certified medically fit for joining duty, holiday(s), if any, succeeding the day he is so certified (including that day) shall automatically be allowed to be suffixed to the leave, and holiday(s), if any, preceding the day he is so certified shall be treated as part of the leave.

156. On condition that the departing Government employee remains responsible for the monies in his charge, a Head of a Department may declare that proviso (a) to rule 155 is not applicable to any particular case.

****157. Unless the Head of the Department in any case otherwise directs—**

(a) if holidays are prefixed to leave, the leave and any consequent rearrangement of pay and allowances take effect from the first day after the holidays, and

(b) if holidays are affixed to leave the leave is treated as having terminated on, and any consequent rearrangement of pay and allowances takes effect from the day on which the leave would have ended if holidays had not been affixed.

Note.—The term 'allowances' used in the rule includes compensatory allowances. The certificate of likelihood of return to the station from which an officer proceeds on leave need not be specifically asked for also during the period of holidays which have been allowed to be affixed or prefixed. Similarly, if a certificate is available to the effect that the Government employee or his family or both resided for the period of leave at the station from which he proceeded on leave, it should be sufficient for the purpose of holidays also prefixed or affixed to leave. A specific cretificate covering the period of holidays also need not be insisted upon.[1]

Recall from leave.

****158. In case a Government employee is recalled to duty before the expiry of his leave, such recall to duty shall be treated as compulsory in all cases and the Government employee shall be entitled—**

(a) if the leave from which he is recalled is in India, to be treated as on duty from the date on which he starts for the station to which he is ordered, and to draw—

(i) travelling allowance under rules made in this behalf for the journey, and

(ii) leave-salary, until he joins the post, at the same rate at which he would have drawn it but for recall to duty;

(b) if the leave from which he is recalled is out of India, to count the time spent on the voyage to India as duty for the purposes of calculating leave and to receive—

(i) leave-salary, during the voyage to India and for the period from the date of landing in India to the date of joining his post at the same rate at which he would have drawn it but for recall to duty,

[1]F. D. Memo No. 2999-F., dated 2798 68.

(ii) a free passage to India,

(iii) refund of his passage from India if he has not completed half the period of his leave by the date of leaving for India on recall or three months, whichever is shorter,

(iv) travelling allowance, under the rules for the time being in force, for travel from the place of landing in India to place of duty.

Certificate of fitness to return to duty.

159. No Government employee who has been granted leave on medical certificate may return to duty without first producing a medical certificate of fitness in the prescribed form. Any Government employee, who has been granted leave or extension of leave for reasons of health, even though such leave or extension was not actually granted on medical certificate, may, at the discretion of the authority under which the Government employee will be employed on return from leave, be required, to produce a similar certificate of fitness before being permitted to return to duty.

Return from leave before due date.

160. (1) Unless he is permitted to do so by the authority which granted his leave, a Government employee on leave may not return to duty before the expiry of the period of leave granted to him.

Note 1. A Government employee returning from leave is not entitled, in the absence of specific orders to that effect, to resume as a matter of course, the particular post which he vacated before his leave. He must report his return to duty and await orders.

Absence after expiry of leave.

****(2) The provisions of rule 34 shall apply in case of absence after expiry of leave.**

Short extensions in cases of overstayals.

161. The authority which granted the leave may sanction retrospectively an extention of leave up to a maximum period of 14 days to a Government employee who overstays his leave, provided that he is satisfied either—

(a) that the overstay was due to circumstances beyond the Government employee's control, and in the case of leave outside India, that an application to the Head of the Indian Mission accredited to the country for an extension was impossible before embarkation; or

(b) that the overstay was administratively convenient.

He may also sanction retrospectively an extension up to a similar limit (inclusive of any extension which may have been granted by the Head of the Indian Mission), to a Government employee returning from leave on medical certificate, if in his opinion the circumstances seem to require it.

Employment during leave.

****162. No Government employee shall take up employment during leave under any Government or under a body incorporate or not, wholly and substantially owned or controlled by Government or under a private employer.**

Note 1.—The leave salary of a Government employee who is guided by the provisions of the West Bengal Government Employees' Conduct Rules, 1959 and is so permitted to take up during leave an employment under Government or under a body incorporate or not, wholly or substantially owned or controlled by Government or under a private employer, shall be restricted to leave salary admissible in respect of leave on half pay. Dearness and any other compensatory allowance will neither be admissible on leave salary nor will the leave salary be taken into account in calculating the allowances admissible on employment during leave.

Note 2.—(1) The West Bengal Government Servants' Conduct Rules, 1959 are printed in Appendix 6, (2) The West Bengal Services (Duties, Rights and Obligations of Government employees) Rules, 1980 are printed in Appendix 6A.

Sections II—Leave Rules

Extent of application.

163. **Unless otherwise expressly provided in these rules, the leave rules contained in this section shall apply with effect from 1st August, 1960 to the following classes of persons subject to the rule-making control of Government :—**

(i) All persons who enter or have entered or are or have been re-employed in Government service, whether in a permanent or other capacity, on or after the 22nd July, 1931 ; and

(ii) Persons who were in Government service whether in a permanent or other capacity on the 21st July, 1931, if there is a break in their service after that date :

Provide that in the case of a Munsif who officiated on or before the 21st July, 1931 any break in service prior to permanent appointment as Munsif shall not constitute a break in his service for the purpose of these rules.

Note 1.—For the purpose of these rules the term 'Government service' shall be deemed to include prior service under the Government of India or any other State Government in India or under Local Funds administered by Government.

Note 2.—For the purpose of clause (ii) of this rule a person re-employed after resignation or after discharge on reduction of establishment or after retirement, will be regarded as having had a break in service.

164. **The leave rules shall not apply to persons for whom special provisions regarding leave have been made.**

165. **All other rules regulating leave and leave procedure contained elsewhere in these rules, shall, in so far as they are not inconsistent with, or repugnant in subject or context to, the rules in this section, remain operative in the case of all persons to whom the leave rules apply.** Leave and leave procedure.

166. **In this Chapter and elsewhere in these rules,— Definitions.

(i) **"commuted leave" means the leave taken under rule 173.**

(ii) **"complete year's of service" or "one year's continuous service" means continuous service of specified duration under the Government and includes the period spent on duty as well as absence on leave including extraordinary leave,**

(iii) **"date of retirement" or "date of his retirement" in relation to a Government employee means the afternoon of the last day of the month in which the Government employee attains the age prescribed for retirement under the terms and condition governing his service.**

(iv) **"earned leave" means leave earned under rule 169, rule 170, rule 171 or rule 172.**

(v) **"earned leave due" means the amount of earned leave to the credit of a Government employee on the date immediately preceding the date of effect of this rule under the rules in force on that day plus the amount of earned leave calculated as prescribed in rule 169, rule 170, rule 171 or rule 172, as the case may be, diminished by the amount of earned leave taken after the introduction of these rules,**

(vi) **"Half-pay leave" means leave earned in respect of completed years of service under rule 173,**

(vii) **"Half-pay leave due" means the amount of half-pay leave calculated under rule 173 for the entire continuous service diminished by the amount of leave on private affairs and|or leave on medical certificate taken before introduction of these rules.**

Note.—If the calculation under this clause results in a minus balance on the date of introduction of these rules, it should be adjusted against half-pay leave with leave earned subsequently, such minus balance being treated as "leave not due" for the purpose of 180 day limit in rule 174.

(viii) **"leave" includes "earned leave", "half-pay leave", "commuted leave", "leave not due" and "extraordinary leave",**

(ix) **"special kind of leave" includes "special disability leave", "study leave", "quarantine leave", "maternity leave", "hospital leave", "special sick leave", "leave to survey parties", "special casual leave" to sportsman and to the delegates attending the conference|annual meeting of the Employees Association and "casual leave".**

Combination of different kinds of leave.

167. **Except as otherwise provided in these rules, any kind of leave under these rules may be granted in combination with or in continuation of any other kind of leave.**

Explanation—(1) Casual leave which is not recognised as leave under these rules shall not be combined with any other kind of leave admissible under these rules.

(2) Special casual leave—As a general rule it is open to the competent authority to grant casual leave in combination with special casual leave, but in cases where it is permissible to grant regular leave in combination with special casual leave, casual leave should not be granted in combination with both special casual leave and regular leave.

(3) Combining half-a-day's casual leave--Regarding the question as to how half-a-day's casual leave availed of by an officer in the afternoon is to be treated if the officer has no casual leave in his credit but he is unable to resume his duty on the next working day due to sickness or other compelling grounds and has to avail of regular leave to cover his absence for that working day, such Government employee, as an exception to the general rule, be permitted to combine half-a-day's casual leave with regular leave. Those who have only half-a-day's casual leave at their credit and who will not attend office on the next working day (having already applied for leave of the kind due and admissible to cover their absence on that working day or subsequent days, if any), shall not be allowed the last half-a-day's casual leave for the afternoon.

Leave preparatory to retirement.

†**168. **(1) A Government employee may be permitted by the authority competent to grant leave to take leave preparatory to retirement to the extent of earned leave due not exceeding 240 days together with half-pay leave due, subject to the condition that such leave extends upto and includes the date of retirement.**

Note.—The leave granted as leave preparatory to retirement shall not include extraordinary leave.

(2) (a) Where a Government employee who is on foreign service in or under any local authority or in a corporation or company wholly or substantially owned or controlled by the Government or a body controlled or financed by the Government (hereinafter referred to as the local body) applies for leave preparatory to retirement, the decision to grant such leave shall be taken by the foreign employer with the concurrence of the lending authority under the Government.

(b) The Government employee on foreign service shall also be allowed to encash earned leave at his credit on the date of retirement in the manner provided in sub-rule (2) of rule 168A.

(3) Where a Government employee is on foreign service in or under a local body other than those mentioned in clause (a) of sub-rule (2), leave preparatory to retirement shall be admissible to him only when he quits duty under the foreign employer:

Provided that where the Government employee continues in service under such foreign employer, he shall not be eligible for grant of cash payment in lieu of leave under rule 168A.

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† This rule is effective from 1-7-86, vide F.D. Notification No. 11260-F., dated 12-10-87.

Leave beyond the date of retirement or quitting of service.

†.**168A. (1) No leave shall be granted to a Government employee beyond—

(a) the date of his retirement on superannuation, or

(b) the date of his final cessation of duties, or

(c) the date on which he retires by giving notice to Government or he is retired by Government by giving him notice or pay and allowances in lieu of such notice, in accordance with terms and conditions of his service, or

(d) the date of his resignation from service.

(2) (a) Where a Government employee retires on attaining the age of superannuation, the authority competent to grant leave shall suo motu issue an order granting cash equivalent of leave salary for earned leave, if any, at the credit of the Government employee on the date of his retirement, subject to a maximum of 240 days.

(b) (i) The cash equivalent under clause (a) shall be calculated as follows and shall be payable in one lump sum as one time settlement. No house rent allowance or hill allowance or other compensatory allowances will be admissible. Medical allowance not being a compensatory allowance may be granted along with such leave salary.

$$\text{Cash equivalent} = \frac{\text{Pay admissible on the date of retirement plus dearness allowance and medical allowances admissible on that date.}}{30} \times \text{Number of days of unutilised earned leave at the credit on the date of retirement subject to a maximum of 240 days.}$$

(ii) such cash equivalent shall not be subject to reduction on account of pension and pension equivalent to gratuity.

(3) A Government employee who retires from service on attaining the date of retirement while under suspension, shall become eligible for the benefit of cash equivalent of earned leave that was at his credit on the date of his retirement calculated in the manner provided in clause (b) of sub-rule (2), on conclusion of the proceedings against him, if the authority competent to re-instate him in service holds that the suspension was wholly unjustified.

(4) A Government employee who retires or is retired from service in the manner mentioned in clause (c) of sub-rule (1) may be granted, suo motu, by the authority competent to grant leave, cash equivalent of leave salary in respect of earned leave at his credit subject to a maximum of 240 days and also in respect of all the half pay leave at his credit, provided this period does not exceed the period between the date on which

†. This rule is effective from 1-7-86, vide F.D. Notification No. 11260-F., dated 12-10-87.

he so retires or is retired from service and the date on which he would have retired in the normal course after attaining the age of superannuation.

The cash equivalent shall be equal to the leave salary as admissible for earned leave and/or equal to the leave salary as admissible for half pay leave plus dearness and medical allowances as admissible on that leave salary for the first 240 days, at the rates in force on the date the Government employee so retires or is retired from service. The pension and pension equivalent of other retirement benefits and ad-hoc relief/graded relief on pension shall be deducted from the leave salary paid for the period of half pay leave, if any, for which the cash equivalent is payable. The amount so calculated shall be paid in one lump sum as one time settlement. No house rent allowance, hill allowance and other compensatory allowance shall be payable:

Provided that if leave salary for half-pay leave component falls short of pension and other pensionary benefits, cash equivalent of half-pay leave shall not be granted:

Provided further that a Government employee who is retired by Government by giving him pay and allowances in lieu of notice, may apply for leave within the period for which such pay and allowances were given, and where he is granted leave, the leave salary shall be allowed only for the period of leave excluding that period for which pay and allowances in lieu of notice have been allowed.

(5) (a) (i) Where the services of a Government employee are terminated by notice or otherwise in accordance with the terms and conditions of his appointment may be granted, suo motu by the authority competent to grant leave, cash equivalent in respect of earned leave at his credit on the date on which he ceases to be in service subject to a maximum of 240 days.

(ii) If a Government employee resigns or quits service, he may be granted suo motu by the authority competent to grant leave, cash equivalent in respect of earned leave at his credit on the date of cessation of service, to the extent of half of such leave at his credit, subject to a maximum of 120 days.

(iii) A Government employee who is re-employed after retirement may, on termination of his re-employment, be granted, suo motu, by the authority competent to grant leave, cash equivalent in respect of earned leave at his credit on the date of termination of re-employment subject to a maximum of 240 days including the period for which encashment was allowed at the time of retirement.

(b) The cash equivalent under clause (a) shall be equal to leave salary admissible for earned leave calculated under rule 176 plus dearness and medical allowance admissible on that leave salary at the rates in force on the date the Government employee ceases to be in service. The amount so calculated shall be paid in one lump sum as one time settlement. No houserent allowance or hill allowance or other compensatory allowances shall be payable.

Cash equivalent of leave salary in case of death in service

†**168B. **In case a Government employee dies while in service, the cash equivalent of the leave salary that the deceased employee would have got had he gone on earned leave that would have been due and admissible to him but for his death on the date immediately following the date and in any case not exceeding leave salary for 240 days, shall be paid to his family without any reduction on account of pension equivalent of death-cum-retirement gratuity.**

In addition to the cash equivalent of leave salary admissible the family of the deceased Government employee shall also be entitled to payment of dearness allowance admissible on the basis of leave salary as also medical allowance.

Note 1.—(i) The term family in this rule shall mean and include the following :—

(1) Wife in the case of a male officer ;

(2) husband in the case of a female officer ;

(3) minor sons including adopted sons ;

(4) unmarried minor daughters including adopted daughters ;

(5) dependent parents.

(ii) Cash equivalent of leave salary shall not be payable to more than one member of the deceased Government employee's family at the same time. It shall first be admissible to the widow(s)/widower and then to the children in equal shares and thereafter to the mother and lastly to father. Where a Government employee survives by more than one widow such leave salary shall be paid to them in equal share.

Note 2.—The provision of this rule is also applicable in the case of death of a re-employed pensioner.

Note 3.—For method of calculation of cash equivalent to leave salary under this rule, procedure laid down in clause (b) of sub-rule (2) of rule 168A shall be followed.

Cash equivalent of leave salary in case of retirement on invalidation from service.

†**168C. **A Government employee who is declared by a medical authority to be completely and permanently incapacitated for further service may be granted, suo motu, by the authority competent to grant leave, cash equivalent of leave salary in respect of leave due and admissible, on the date of his invalidation from service, provided that the period of leave for which he is granted cash equivalent does not extend beyond the date on which he would have retired in the normal coure after attaining the age of superannuation. The cash equivalent thus payable shall be equal to the leave salary as calculated under sub-rule (4) of rule 168A. A Government emloyee not in permanent employ shall not, however, be granted cash equivalent of leave salary in respect of half-pay leave standing at his credit on the date of his invalidation from service.**

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† These are effective from 1-7-86, vide F.D. Notification No. 11260-F., dated 12-10-87.

Earned leave for government employee serving in a department other than a vacation department.

†**169. (1) (a) The leave account of every Government employee who is serving in a Department other than a vacation Department shall be credited with earned leave, in advance, in two instalments of 15 days each on the first day of January and July of every calendar year.

(b) The leave at the credit of a Government employee at the close of the previous half-year shall be carried forward to the next half-year subject to the condition that the leave so carried forward plus the credit for the half-year do not exceed the maximum limit of 240 days.

(2) Subject to the provisions of rule 34 and rule 168, the maximum earned leave that can be granted at a time shall be 120 days.

(3) Earned leave may be granted to a Government employee for a period exceeding 120 days, but not exceeding 240 days if the entire leave so granted or any portion thereof is spent outside India, Bangladesh, Bhutan, Burma, Ceylon, Nepal and Pakistan :

Provided that where earned leave for a period exceeding 120 days is granted under this sub-rule, the period of such leave spent in India shall not in the aggregate exceed the aforesaid limit.

Note.—For detailed procedures see notes below Schedule II of Appendix 7.

Calculation of earned leave.

**170. (1) Earned leave shall be credited to the leave account of a Government employee at the rate of 2½ days for each completed calendar month of service which he is likely to render in a half-year of the calendar year in which he is appointed.

(2) (a) The credit for the half-year in which a Government employee is due to retire or resign from the service shall be afforded only at the rate of 2½ days per completed calendar month up to the date of retirement or resignation.

(b) When a Government employee is removed or dismissed from service or dies while in service, credit of earned leave shall be allowed at the rate of 2½ days per completed calendar month up to the end of calendar month preceding the calendar month in which he is removed or dismissed from service or dies in service.

(3) If a Government employee has availed himself of extraordinary leave and|or some period of his absence has been treated as "dies non" in a half-year the credit to be afforded to his leave account at the commencement of the next half-year shall be reduced by 1|10th of the period of such leave and|or "dies non" subject to a maximum of 15 days.

(4) While affording credit of earned leave, fractions of a day shall be rounded off to the nearest day.

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† This is effective from 1-7-86, vide F.D. Notification No. 11260-F., dated 12-10-87.

Earned leave for persons serving in vacation Department.

**171. Subject to the provisions in rule 172—

(1) earned leave is not admissible to an employee serving in the vacation Department in respect of duty performed in any year in which he avails himself of the full vacation;

(2) earned leave admissible to such Government employee in respect of any year in which he is prevented from availing himself of the full vacation shall be such proportion of 30 days as the number of days of vacation not taken bears to the full vacation;

Provided that if in any year he is prevented from availing himself of any part of the vacation, earned leave shall be admissible to him in respect of that year in accordance with the provision laid down in rule 169 or rule 170, as the case may be.

(3) Vacation may be taken in combination with or in continuation of any kind of leave under the rules, provided that the total duration of vacation and earned leave taken in conjunction whether the earned leave is taken in combination with or in continuation of other kinds of leave, excepting commuted leave, or not, shall not exceed 120 days at a time:

Provided further that the total duration of vacation, earned leave and commuted leave taken in conjunction shall not exceed 180 days.

(4) As regards accumulation of earned leave at the credit of the employees serving in the vacation Department the limit of 240 days as prescribed in sub-rule (1)(b) of rule 169 shall apply.

**172. Notwithstanding anything contained in sub-rules (1) and (2) of rule 171—

(a) earned leave admissible to any of the following classes of Government employees, viz.,—

(i) Judges and Registrars of Small Causes Court, Calcutta.

(ii) Members of the West Bengal Civil Service (Judicial).

(iii) Other employees of the Small Causes Court, Calcutta or the Civil Courts or Criminal Courts of Judicial Magistrates and Metropolitan Magistrates, shall, in respect of duty performed in any year in which such a Government employee avails himself of the full vacation, be 1|22nd of the period spent on duty;

(b) the earned leave admissible to such a Government employee in respect of any year in which he is prevented from availing himself of the full vacation shall be such proportion of 15 days earned leave as the number of days of vacation not taken bears to the full vacation.

(c) Government employees belonging to a vacation Department posted on deputation to Departments or organisations not falling in the category of vacation Departments shall be entitled to earned leave in respect of the period of deputation in accordance with the provisions laid down in rules 169 and 170.

Half-pay leave and commuted leave.

*173. (1)(a) A Government employee shall be entitled to half-pay leave for 20 days in respect of each completed year of service.

(b) The leave under clause (a) may be granted on medical certificate or on private affairs:

Provided that in the case of a Government employee not in permanent employ no half-pay leave may be granted unless the authority competent to grant leave has reason to believe that the Government employee will return to duty on its expiry except in the case of a Government employee who has been declared completely and permanently incapacitated for further service by a competent medical authority.

(2) If a Government employee is on leave on the day on which he completes a year of service, he shall be entitled to half-pay leave without having to return to duty.

(3) Commuted leave not exceeding half the amount of half-pay leave due may be granted on medical certificate to a Government employee subject to the conditions that—

(a) the authority competent to grant leave is satisfied that there is reasonable prospect of the Government employee returning to duty on its expiry;

(b) when commuted leave is granted, twice the amount of such leave shall be debited against the half-pay leave due;

(c) the authority competent to grant leave obtains an undertaking from the Government employee that in the event of his resignation or retiring voluntarily from service he shall refund the difference between the leave-salary drawn during commuted leave and the leave-salary admissible during half-pay leave;

(d) half-pay leave upto a maximum of 180 days may be allowed to be commuted during the entire service (without production of medical certificate) where such leave is utilised for an approved course of study certified to be in public interest by the leave sanctioning authority.

**Note.—A bond as in case of study leave under Appendix 5 is to be executed by the temporary|permanent Government employee as the case may be.

*(4) Where a Government employee who has been granted commuted leave resigns from service or, at his request, is permitted to retire voluntarily without returning to duty, the commuted leave shall be treated as half-pay leave and the difference between the leave salaries in respect of commuted leave and half-pay leave shall be recovered:

Provided that no such recovery shall be made if the retirement is by reason of ill health incapacitating the Government employee for further service or if the Government employee dies while on commuted leave.

Leave not due.

**174. (1) Save in the case of leave preparatory to retirement, "leave not due" may be granted to a Government employee in permanent or temporary employ subject to the following conditions:—

(a) the authority competent to grant leave is satisfied that there is reasonable prospect of the Government employee returning to duty on its expiry,

(b) leave not due shall be limited to the half-pay leave he is likely to earn thereafter,

(c) leave not due during the entire period of service shall be limited to a maximum of 360 days, out of which not more than 90 days at a time and 180 days in all may be otherwise than on medical certificate,

(d) leave not due shall be debited against the half-pay leave the Government employee may earn subsequently.

(2) Leave not due may also be granted to such of the temporary Government employees as are suffering from Tuberculosis, Leprosy, Cancer or mental disease, for a period not exceeding 360 days during the entire service, subject to fulfilments of conditions in clauses (a), (b) and (d) of sub-rule (1) and subject to the following conditions, namely:—

(i) that the Government employee has put in a minimum of one year's service,

(ii) that the post from which the Government employee proceeds on leave is likely to last till his return to to duty, and

(iii) that the request for grant of such leave is supported by a medical certificate as envisaged in rule 175.

(3) Where a Government employee who has been granted leave not due resigns from service or at his request is permitted to retire voluntarily without returning to duty, the leave not due shall be cancelled, his resignation or retirement taking effect from the date on which such leave had commenced, and the leave salary be recovered.

(4) Where a Government employee who having availed himself of leave not due returns to duty but resigns or retires from service before he has earned such leave he shall be liable to refund the leave salary to the extent the leave has not been earned subsequently :

Provided that no leave salary shall be recovered under sub-rule (3) or this sub-rule if the retirement is by reasons of ill health incapacitating the Government employee for further service or in the event of his death.

Provided that no leave salary shall be recovered under sub-rule (3) or this sub-rule if the Government employee is compulsorily retired prematurely under the West Bengal Services (Death cum-Retirement Benefit) Rules, 1971 and clause (aa) or clause (aaa) of rule 75 of these rules.

Note 1.—Leave not due is intended to be regarded as an advance of leave and its grant should therefore be limited to the amount that both can be and will be earned by subsequent duty; further, it is meant to be granted only in exceptional cases of illness and finally when the exceptional step of granting such leave is taken, it shall be irrevocable, except at the request of the officer, who should not be penalised if reasonable anticipations fail to materialise.

Leave not due should in no case be granted unless the sanctioning authority is satisfied that so far as can be reasonably foreseen, the officer shall return to duty and earn it; but the leave when granted should in all cases, subject to the officer's wishes and to sub-rules (3) and (4) be allowed to stand including cases in which the officer fails to earn it by subsequent duty.

Extraordinary leave.

****175. (1) Extraordinary leave may be granted to a Government employee in special circumstances :—**

(a) when no other leave is admissible,

(b) when other leave is admissible, but the Government employee applies in writing for the grant of extraordinary leave.

(2) (a) Except in case of Government employee in permanent employ, no Government employee shall be granted extraordinary leave on any occasion in excess of three months.

(b) The Governor in view of the exceptional circumstances in the following cases may grant extraordinary leave in excess of the limit prescribed in clause (a) :—

(i) six months, where the Government employee has completed one year's continuous service on the date of expiry of the leave of the kind due and admissible under these rules, including three months extraordinary leave under clause (a) and his request for such leave is supported by a Medical certificate as required under these rules;

(ii) eighteen months, where the Government employee who has completed one year's continuous service is undergoing treatment for—

(a) pulmonary tuberculosis or pleurisy of tubercular origin in a recognised sanatorium,

(b) tuberculosis of any other part of the body by a qualified tuberculosis specialist or a Medical Officer of Health,

(c) leprosy in a recognised leprosy institution by a Medical Officer of Health or a specialist in leprosy recognised as such by State Administrative Medical Officer concerned,

(d) cancer or for mental disease, in an institution recognised for the treatment of such diseases or by a Medical Officer of Health or a specialist in such diseases recognised as such by the State Administrative Medical Officer concerned,

(iii) twenty-four months, where leave is required for the purpose of prosecuting studies certified to be in the public interest, provided the Government employee concerned has completed three year's continuous service on the date of expiry of leave of the kind due and admissible under these rules including three months' extraordinary leave under clause (a) of sub-rule (2).

(3) (a) Where a Government employee is granted extra ordinary leave in terms of the provisions contained in sub-clause (iii) of clause (b) of sub-rule (2), he shall be required to execute a bond as in case of study leave under Appendix 5 undertaking to refund to the Government the actual amount of expenditure incurred by the Government during such leave plus that incurred by any other agency with interest thereon in the event of his not returning to duty on the expiry of such leave or quitting the service before a period of three years after return to duty.

(b) The bond shall be supported by sureties from two permanent Government employees having a status comparable to or higher than that of the Government employee.

(4) Two spells of extraordinary leave, if intervened by any other kind of leave including maternity leave, shall be treated as one continuous spell of extraordinary leave for the purposes of sub-rule (2).

(5) The authority competent to grant leave may commute retrospectively periods of absence without leave into extraordinary leave.

Note 1.—The concession of extraordinary leave upto 18 months under sub-rule (2) (b) (ii) would be admissible also to a Government employee suffering from pulmonary tuberculosis, who receives treatment at his residence under a Tuberculosis Specialist recognised as such by the State Administrative Medical Officer concerned and produces a certificate signed by that Specialist to the effect that he is under his treatment and that he has reasonable chances of recovery on the expiry of the leave recommended.

Note 2.—The expression "Medical Officer of Health" used in this rule shall include besides the Chief Medical Officer of Health, District Medical Officers of Health and the Presidency Surgeons.

Note 3.—The 3 months' limit laid down in sub-rule (2) does not apply to cases where extraordinary leave is granted to regularise the period of suspension under rule 72.

Note 4.—The power of commuting retrospectively the period of absence without leave into extraordinary leave under this rule is absolute and not subject to any condition. In other words such commutation is permissible even when other leave was admissible to the Government employee concerned, at the time of his absence without leave commenced.

Leave salary.

****176. (1) Government employees of all categories during earned leave shall be entitled to leave salary at the following rates :—**

Pay (substantive or officiating) which would have been admissible had he not proceeded on leave and such leave salary shall include increment of pay which falls due during such leave, and dearness and other allowances sanctioned from time to time during the period of leave.

(2) A Government employee on half-pay leave or leave not due is entitled to leave salary at the following rates :—

Half the pay admissible under sub-rule (1) and dearness and other allowances admissible as per orders issued by Government from time to time. Dearness Pay, if any, will be calculated on the basis of leave salary actually drawn.

(3) A Government employee on commuted leave is entitled to leave-salary equal to twice the amount admissible under sub-rule (2).

(4) A Government employee on extraordinary leave is not entitled to any leave-salary.

(5) Omitted.

(6) In the case of a Government employee who is granted leave earned by him during the period of re-employment or is granted cash-equivalent under clause (b) of sub-rule (5) of rule 168A the leave salary shall be based on the pay drawn by him exclusive of the pension and pension equivalent of other retirement benefits.

(7) (a) If, in the case of a Government employee who retires or resigns from the service, the leave already availed of is more than the credit so due to him necessary adjustment shall be made in respect of leave salary, if any, overdrawn.

(b) Where the quantum of earned leave already availed of by a Government employee who is dismissed or removed from service or who dies in service is in excess of the leave due to him under rule 170, the over payment of leave salary shall be recovered in such cases.

Note 1.—For the purpose of this rule "substantive pay" means the substantive pay of the permanent post which a Government employee holds substantively or on which he holds a lien or would hold a lien had the lien not been suspended and "officiating pay" means the pay of a post in which Government employee is allowed to officiate, within the meaning of rule 5(26).

Note 2.—Omitted.

Note 3.—The term "pay" in this rule shall mean pay as defined in sub-clauses (i) to (iii) of rule 5(28).

Note 4.—In the case of a Government employee who has been allowed for the period passed under suspension, a proportion of pay and allowances under rule 72 and who proceeds on leave shortly after or immediately on re-instatement the average pay shall be calculated on the basis of pay actually drawn by or allowed to the Government employee concerned during the 12 complete months preceding the month in which the leave is taken.

Section III—Ordinary Leave Rules

****Rules 177 to 194. Omitted.**

Section IV—Special kinds of Leave

Special disability leave.

****195. (1) Subject to the conditions hereinafter specified special disability leave may be granted to a Government employee whether permanent or temporary, who is disabled by injury intentionally inflicted or caused in, or in consequence of, the due performance of his official duties or in consequence of his official position.**

(2) Such leave shall not be granted unless the disability manifested itself within three months of the occurrence to which it is attributed, and the person disabled acted with due promptitude in bringing it to notice, provided that if Government are satisfied as to the cause of the disability, such leave may be granted in cases where the disability manifested itself more than three months after the occurrence of its cause.

(3) The period of leave granted shall be such as is certified by a medical board to be necessary. It shall not be extended except on the certificate of a medical board, and shall in no case exceed 24 months.

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(4) Such leave may be combind with leave of any other kind.

(5) Such leave may be granted more than once if the disability is aggravated or reproduced in similar circumstances at a later date, but not more than 24 months of such leave shall be granted in consequence of any one disability.

(6) Such leave shall be counted as duty in calculating service for pension, and shall not, except as provided in rule (2) in Appendix 7 of these rules, be debited against the leave account.

(7) Leave salary during such leave shall be equal to—

(a) for the first 120 days of any period of such leave, including a period of such leave granted under sub-rule (5), be equal to leave salary while on earned leave, and,

(b) for the remaining period of any such leave, be equal to leave salary during half-pay leave:

Provided that a Government employee may at his option be allowed leave salary as in clause (a) for a period not exceeding another 120 days, and in that event the period of such leave shall be debited to his half-pay leave account.

(8) In the case of a person to whom the Workmen's Compensation Act, 1923, applies, the amount of leave salary payable under this rule shall be reduced by the amount of compensation payable under clause (d) of sub-section (1) of Section 4 of that Act.

(9) The provisions of this rule apply to a civil servant disabled in consequence of service with a military force, if he is discharged as unfit for further military service, but is not completely and permanently incapacitated for further civil service; but any period of leave granted to such a person under military rules in respect of his disability shall be reckoned as leave granted under this rule for the purpose of calculating the period admissible.

196. The application of the provisions of rule 195 may be extended to a Government employee who is disabled by injury accidentally incurred in, or in consequence of, the due performance of his official duties or in consequence of his official position, or by illness incurred in the performance of any particular duty which has the effect of increasing his liability to illness or injury beyond the ordinary risk attaching to the civil post which he holds. The grant of this concession is subject to the further conditions—

(i) that the disability, if due to disease, must be certified by a medical board to be directly due to the performance of the particular duty; and

(ii) that, if the Government employee has contacted such disability during service otherwise than with a military force, it must be, in the opinion of Government, so exceptional in character or in the

circumstances of its occurrence as to justify such unusual treatment as the grant of this form of leave ; and

(iii) that the period of absence recommended by the medcial board may be covered in part by leave under this rule and in part by other leave, and that the amount of special disability leave granted may be less than four months.

Study leave.

197. Leave may be granted to Government employees on such terms as Government may by general order prescribe to enable them to study scientific, technical or similar problems or to undergo special courses of instruction. Such leave unless otherwise decided by Government, is not debited against the leave account.

Note.—The general orders of Government under this rule are contained in Appendix No. 5.

Quarantine leave.

**198. (1) Where, in consequence of the presence of an infectious disease, referred to in sub-rule (2), in the family or household of a Government employee at his place of duty, residence or sojourns, his attendance at his office is considered as hazardous to the health of other Government employees, such Government employee may be granted quarantine leave.

(2)(a) For the purpose of sub-rule (1), small-pox may be considered as infectious disease, chicken-pox shall not, however, be considered as infectious disease unless the Medical Officer or Public Health Officer considers that because of doubt as to the true nature of the disease, e.g., small-pox, there is reason for the grant of such leave.

(b) The following diseases shall also be treated as infectious for the purpose of grant of Quarantine leave :—

(I) (i) Scarlet Fever,

(ii) Plague (Bueekmonic or bubonic),

(iii) Typhus,

(iv) Cerebro-spinal meningitis ;

(II) for persons employed in the preparation and distribution of food, the following additional diseases shall also be treated as infectious :—

(i) Dysentery,

(ii)) Enteric fever (Typhoid fever),

(iii) Malta Fever,

(iv) Paratyphoid fever.

(3)(a) Quarantine leave may be granted by the head of office on the certificate of a Medical Officer or Public Health Officer for a period not exceeding 21 days or, in exceptional circumstances, 30 days.

(b) Any leave necessary in excess of this period shall be treated as leave due and admissible and shall be debitable to the leave account of the Government employee.

(4) Quarantine leave, subject to the maximum laid down in sub-rule (3), may also be granted, when necessary, in continuation of other leave.

(5) A Government employee on Quarantine leave shall be treated as on duty. No substitute shall be appointed while he is on such leave.

Note.—The term "Medical Officer or Public Health Officer" occurring in this rule includes Medical Officer in charge of any Government (Civil or Military) or Municipal Hospital or Dispensary. In case of a Government employee at whose place of duty, there is no Government or Municipal Hospital or Dispensary, it includes the Medical Officer in charge of a Government or Municipal Hospital or Dispensary situated nearest to his place of duty.

Maternity leave.

****199. (1) A female Government employee may be granted maternity leave by an authority competent to grant leave for a period of 90 days from the date of its commencement. During such period she shall be paid leave salary equal to the pay drawn while on earned leave.**

(2) Maternity leave may also be granted in case of miscarriage including abortion subject to the conditions that—

(a) the leave does not exceed six weeks; and

(b) the application of leave is supported by a certificate in the case of a Group 'A' Government employee from the authorised Medical attendant, and in the case of other Government employees from a registered medical practitioner.

(3) (a) Maternity leave may be combined with leave of any other kind,

(b) Notwithstanding the provisions contained in rule 173, any leave including commuted leave, for a period not exceeding sixty days applied for in continuation of maternity leave may be granted without production of medical certificate.

(4) Leave in further continuation of leave granted under clause (b) of sub-rule (3) may be granted on production of a medical certificate for the illness of the female Government employee. Such leave may also be granted in case of illness of a newly born baby subject to the production of a medical certificate to the effect that the condition of the baby warrants mother's personal attention and that her presence by the baby's side is absolutely necessary.

(5) The maternity leave shall not be debited against the leave account.

Note.—The provisions of this rule shall also be applicable in the case of abortion induced under the Medical Termination of Pregnancy Act, 1971 and shall be guided by sub-rule (2) of this rule treating it as a case of abortion.

200. Hospital leave means leave on account of ill health granted to specified members of subordinate services whose duties expose them to special risk of accident or illness. Hospital leave.

201. The authority competent to appoint them substantively may grant hospital leave to Government employees of the following classes while under medical treatment for illness or injury, if such illness or injury is directly due to risks incurred in the course of their official duties:

(a) Forest Subordinates, other than clerks, in receipt of pay not exceeding Rs. 415.

(b) Government employees employed in Government Presses whether on fixed pay or on piece rates.

(c) Subordinates employed in Government Laboratories.

(d) Subordinates employed in the working of Government machinery.

(e) Peons and guards in permanent employ.

(f) Subordinates of the Excise Department on pay not exceeding Rs. 415.

(g) Head Warders or warders, male or female, of lunatic asylums.

(h) Syces of Government stallions.

(i) Subordinate Operational staff, other than clerks of the State-owned electric system drawing pay not exceeding Rs. 685 per mensem if the illness or injury is caused by shock received by them from high electric voltage in attending to electric installations for charging plant or to lines at power crossings.

(j) Leaders, Firemen and Drivers of the West Bengal Fire Service.

202. (1) The head of the office or the appointing authority may grant hispital leave to police officers of rank not higher than that of Assistant Sub-Inspectors or head constable, to men of the military police or to members of crews of police launches (including serangs and drivers) and to chief head warders or warders, male or female, of jails, to matrons of the Jail Department or to the Chief Officer, Assistant Chief Officer, Gate-Keeper and Petty Officers of the Borstal School, for a period during which they are under treatment as indoor or outdoor patients of a Police or Jail Hospital, as the case may be, provided that the said authority certifies that the illness or injury for which treatment is given is not directly due to intemperate or irregular habits.

(2) Such leave may also be granted on similar conditions and by the same authorities to men who have been treated in hospitals other than Police or Jail Hospitals provided that the authority sanctioning the leave is satisfied in each case that treatment in such a hospital was in the circumstances desirable

and that the patient had taken proper steps to secure the permission of his superiors before obtaining treatment in or admission to such a hospital, provided that such leave cannot be granted to men who receive treatment in a hospital in their native district or elsewhere while they are on leave.

203. Notwithstanding anything contained in rules 200, 201 and 202, the Head of the office or the appointing authority may grant hospital leave to Government employees of the classes mentioned in rules 201 and 202 for a period during which they are under treatment for venereal diseases in a hospital in the district in which they are employed or in such other hospital as may be approved by the authority sanctioning the leave.

Note.—The object of this rule is to encourage Government employees suffering from venereal diseases to come forward voluntarily for medical examination and treatment. Hospital leave under this rule will not therefore be admissible to a Government employee who conceals or attempts to conceal the disease until concealment is no longer possible.

204. (1) Hospital leave is not debited against the leave account and may be combined with any other leave which may be admissible: provided that the total period of leave, after such combination, shall not exceed twenty-eight months.

(2) The amount of hospital leave which may be granted to a Government employee is limited to three months on full pay in any period of three years. Hospital leave on half pay counts, for the purpose of this limit, as half the amount of leave on full pay.

(3) Hospital leave may be granted on leave salary equal to either full or half pay, as the authority granting it may consider necessary:

Provided that the leave salary shall be reduced by the amount of any benefits under (d) of sub-section (1) of section 4 of the Workmen's Compensation Act, 1923, to which the Government employee may be entitled.

Note 1.—Omitted.

Special sick leave.

205. (1) A Government employee serving as an officer warrant officer or petty officer on a Government vessel may, while undergoing medical treatment for sickness or injury either on his vessel or in hospital, be granted by the Commander of the vessel special sick leave on leave salary equal to full pay for a period not exceeding six weeks: Provided that such leave shall not be granted if a responsible medical officer certifies that the Government employee is malingering or that his ill health is due to drunkenness or similar self-indulgence or to his own action in wilfully causing or aggravating disease or injury.

(2) A seaman disabled in the exercise of his duty may be allowed special sick leave on leave salary equal to full pay for a maximum period not exceeding three months, if the following conditions are fulfilled:

(i) A Government medical officer must certify the disability.

(ii) The disability must not be due to the Seaman's own carelessness or inexperience.

(iii) The vacancy caused by his absence must not be filled.

(3) The grant of special sick leave under this rule is subject to the condition that the leave salary is not in addition to the benefits that the employee may be entitled to under clause (d) of sub-section (1) of section 4 of the Workmen's Compensation Act, 1923, but is inclusive of them.

(4) Leave granted under this rule is not debited against the leave account.

(5) The expression "full pay" in this rule means the pay which will be admissible under rule 176.

Leave to survey parties.

206. The grant of leave to subordinates in Group B. Group C or Group D service attached to parties in the Survey Department of West Bengal, not being members of the office establishment located with the headquarters offices in Calcutta is regulated as follows:

(i) In addition to leave to which they may be otherwise eligible under this Chapter, departmental leave may be granted to such Government employee in the circumstances and on the conditions prescribed in this rule.

(ii) (a) Departmental leave may not be granted except to a Government employee whose services are temporarily not required.

(b) It may be granted during the recess by the head of the party provided in the case of a subordinate in Group D service that the officer granting the leave considers it desirable to re-employ him in the ensuing season.

(c) It may be granted at times other than the recess for not more than six months at a time by the Director of Land Records and Surveys, West Bengal: Provided that the leave is granted in the interest of Government and not at the Government employee's own request, and leave so granted may, in special cases, be extended up to a maximum of one year in all. Leave on medical certificate should never be regarded as granted in the interests of Government.

(iii) Departmental leave may be granted on such leave salary, not exceeding half the pay drawn at the time of taking leave, as the authority granting the leave may think fit. The leave salary is payable on return to duty after the expiration of leave and is not payable unless the Government employee returns to duty when required by his superior officer to do so. If, however, a Government employee dies while on departmental leave, his leave salary up to the date of his death will be paid to his heirs.

(iv) Departmental leave does not count as duty and will be debited to the leave account as though it were leave on half average pay.

(v) Departmental leave may be granted when no leave is due, and it shall not be taken into account when calculating the maximum amount of leave admissible.

(vi) Departmental leave may be combined with any other kind of leave which may be due.

(vii) When a Government employee subject to these rules holds a post in which the Director of Land Records and Surveys, West Bengal, considers that he is unlikely to be eligible for departmental leave in future, the Director of Land Records and Surveys, West Bengal, may by special order in writing declare that with effect from such date not being earlier than the Government employees last return from departmental leave as the Director of Land Records and Surveys, West Bengal, may fix, any balance of leave at debit in the Government employees leave account shall be cancelled, to such extent as may be due to the departmental leave. All leave earned after such date will be credited as due in the Government employees leave account; and all leave taken after such date, including departmental leave, if any, will be debited in it.

Casual leave.

207. A Government employee on casual leave is not treated as absent from duty and his pay during such leave is not interrupted. Casual leave shall not, however, be given so as to cause an evasion of the rules regarding—

(i) date of reckoning allowance—Rule 26;
(ii) charge of office—Rule 28;
(iii) commencement and end of leave—Rules 154, 158, 159 and 160;
(iv) return to duty—Ditto;

or so as to extend the term of any leave beyond the time admissible by rule.

Note 1.—The general instructions of Government regarding grant of casual leave are contained in Appendix No. 10.

Section V—Special Provisions

Administrator-General and Official Trustee.

208. The Administrator-General and Official Trustee, West Bengal is entitled to leave on the terms applicable to Judges of a High Court, subject to the following modifications, namely:

(a) their leave salary shall not exceed, while on leave on half allowances, half average pay, and while on leave on full allowance, average pay; and

(b) in lieu of the leave credited to the leave account of a High Court Judge because of his having been detained on duty as a Vacation Judge, to a credit in the leave account of a period equal to two-elevenths of the period of actual service performed.

209. The grant of leave to military officers in civil employ is regulated by the Fundamental Rules of the Government of India.

Military officers in civil employ.

210. Unless Government in any case otherwise directs, the following provisions apply to Government employees placed on deputation out of India, if the period of the deputation exceeds one year—

On deputation out of India.

(a) the period of deputation shall not count as duty for the purpose of this chapter;

(b) the amount of leave which can be earned by the deputation shall be determined by Government. Such leave can only be taken during the period of deputation and will not be credited or debited in Government employee's leave accounts;

(c) leave salary during such leave shall be equal to the rate of deputation pay:

Provided that where a deputation originally sanctioned for one year or less is subsequently extended so that the total period exceeds one year, these provisions shall apply only in respect of the period in excess of one year.

211. A Government employee on an establishment whose duties are not continuous, but are limited to certain periods in each year, may be granted the following leave during a period:

Govt. employees whose duties are not continuous.

(a) Leave on medical certificate on half-pay not exceeding one month, provided that if he remains absent on the date of re-employment of the establishment owing to illness, such leave may be extended by the authority appointing him to two months in all.

(b) Extraordinary leave not exceeding one month.

212. Leave to Press employees, paid under the piece-work system is regulated as follows:

Piece-Workers in Govt. Press.

(1) (a) Leave on full grade pay will be granted according to their service as shown below:

Length	Leave admissible
Less than 10 years ..	.. 16 days in each calendar year
10 years but less than 15 years	.. 23 days in each calendar year
15 years above ..	.. 31 days in each calendar year

Note.—In calculating the length of service for the purpose of this rule, the period of continuous service on the fluctuating piece establishment, extra-piece establishment as well as on the permanent piece establishment shall be taken into account.

(b) This leave will be non-cumulative, i.e., any leave not taken during the year will lapse without any monetary compensation.

(c) Gazetted holidays and Sundays falling within a period of leave will count as leave. Other gazetted holidays actually enjoyed may at the option of the piece-worker, be counted against any leave admissible to him under clause (a) and, if so counted, will be paid for but Sundays intervening between such gazetted holidays as are counted against leave need not be treated as leave and paid for.

(d) Applications to count gazetted holidays or absences as leave on full-grade pay must be made before the close of the piece month in which the holidays or absence occur.

(e) The grant of leave under these rules is subject to the provision of rule 153. It may also be withheld from piece-workers who have been irregular in attendance.

(f) Full grade pay shall not be allowed for gazetted holidays unless they are covered by the leave admissible under clause (a) and an application has been made that they should be counted as leave on full-grade pay. If no leave on full-grade pay is admissible the application, if supported by a medical certificate, should be dealt with under clause (a) of sub-rule (2).

(2) (a) Leave on medical certificate on half-grade pay will be earned at the rate of one month's leave for every complete period of eleven months' duty and as regards incomplete periods one day's leave for every 11 day's duty. It will be cumulative and will be granted only when no leave on full-grade pay is admissible. Any such leave in excess of three months at a time or any extension beyond three months should, however, be granted only on the production of a medical certificate from the Officer-in-Chief Medical charge of the district in which the piece-worker is residing.

Note.—In calculating leave on medical certificate under clause (a) of this sub-rule the actual number of days of duty performed should first be counted and then multiplied by 1|11th and the product expressed in days (and fraction of a day).

(b) Leave on medical certificate on half-grade pay shall be calculated from the date of appointment of the piece-worker, subject to the condition that no medical leave without allowances, granted prior to the 1st April, 1931 can be commuted to leave on medical certificate on half-grade pay.

(c) Leave without pay may be granted when no other leave is admissible.

(d) No continuous period of leave except leave without pay, shall exceed one year.

(e) Injury leave at half-grade pay may be granted from the commencement of disablement to all piece-workers who are injured in circumstances which would give rise to claims for compensation in the case of a workman as defined in the Workmen's Compensation Act, 1923. This leave shall be granted so long as is necessary, subject to a limit of two years for any one's disability and five years during a piece-worker's total service. It shall not be taken into account in calculating the limits laid down in clauses (a) and (b) of this sub-rule. Leave salary payable under this rule will, in the case of a workman, to whom the Workmen's Compensation Act, 1923, applies, be reduced by the amount of compensation payable under clause (d) of sub-section (1) of section 4 of that Act.

(f) The special disability leave under rule 195 and the hospital leave admissible under rule 201 will not be admissible to workmen to whom the Workmen's Compensation Act, 1923, applies.

(3) (a) Piece-workers in whose houses there are cases of infectious diseases such as small-pox, etc., should submit a medical certificate to this effect and obtain leave of absence from the office until another medical certificate can be produced showing that all danger of infection has ceased. Men in whose houses infectious diseases have occurred will, if they attend office, be liable to be suspended from work.

(b) Employees compelled under the above order to absent themselves from office not on account of their own sickness but on account of the occurrence of infectious diseases in their houses, may be allowed casual leave for the period, not exceeding 30 days during which they are prevented from attending. Casual leave up to 30 days will also be admissible to Press employees returning from leave, who are detained in plague camps on their way to rejoin.

(c) During casual leave piece-workers will be remunerated at full-grade pay.

(d) If the period of absence exceeds 30 days, employees may be allowed leave with leave salary of any kind which may be due to them and thereafter leave without leave-salary.

Note 1.—Grade pay for the purpose of these rules is the minimum of the grade fixed under rule 36 and 37 of the Rule for the Management of the Printing Department, and corresponds to the average salary of the salaried establishment.

(4) Leave to piece-workers transferred to the salaried establishment shall be regulated as follows:—

(a) When appointed to the post on the salaried establishment is substantive, the piece-workers shall earn leave under the rules applicable to such establishment and may carry forward the balance of unspent leave earned under clause (a) of sub-rule (2), half the period of such leave being credited to his leave account for leave on medical certificate.

(b) In all other cases of appointment, temporary or officiating, to the salaried establishment the piece-worker shall be governed by the provisions of sub-rules (1), (2) and (3) with the exception that clauses (c), (d) and (f) of sub-rule (1) shall not have any operation.

On contract appointment.

213. Leave to Government employees engaged on contract shall be governed mutatis mutandis by the Leave Rules in Section II of this Chapter, subject to the following provisions:

(1) Where the contract is for a period not exceeding five years, the said rules shall apply to the officer as to an officer not in permanent employ:

Provided that no half-pay leave shall be admissible to such an officer otherwise than on medical certificate:

Provided further that no extraordinary leave shall be admissible to such an officer if the contract is for one year or less, and if the contract is for more than one year but not more than five years, the total amount of extraordinary leave admissible during the entire period of the contract shall be limited to three months.

(2) Where the contract is for a longer term than five years and where an original contract for five years or less is extended so as to make the total period of contract longer than five years, the said Rules shall apply to the officer as to an officer in permanent employ:

Provided that no half-pay leave shall be admissible to such an officer otherwise than on medical certificate:

Provided further that in the matter of extraordinary leave the said Rules shall apply to such an officer as to an officer not in permanent employ.

Note.—In the case of extension of a contract for a period longer than five years, the officer will be credited with the earned leave that would have been admissible had the contract been initially one or more than five years diminished by any earned leave already taken.

(3) Where the contract is for an indefinite period or an original contract for a definite period is extended for an indefinite period, the said Rules shall apply to the officer as to an officer in permanent employ.

Note.—In the case of extension of a contract for an indefinite period the officer will be credited with earned leave that would have been admissible had the contract been initially one for an indefinite period diminished by any earned leave already taken.

(4) In the case of a Government employee whose contract is for a year or less, no leave shall be granted beyond the date of expiry of the contract even if the officer has been denied in whole or in part on account of the exigencies of the public service, leave which was due to him during the period of contract. In all other cases, earned leave may be granted after the expiry of the contract only when it has been applied for during the period of the contract and refused owing to the exigencies of the public service.

(5) The leave salary during leave taken under the above clauses shall be regulated by rule 176 of these rules.

(6) These rules take effect from the date of issue of these rules; but a contract officer in service on the aforesaid date will have the option of retaining his existing leave terms in respect of subsisting contract. An officer who decides to retain his existing leave terms in respect of his subsisting contract shall communicate his decision in writing to his Accounts Officer or the head of his office, as the case may be, within 3 months from the date of issue of these rules or before he applies for leave for the first time after the issue of these rules, whichever is earlier. The option once exercised will be final and cannot be modified at any subsequent date.

214. Subject to rule 215, a Law Officer holding one of the posts mentioned below, viz.— Law officers.

(a) An Advocate-General;

(b) A standing Counsel;

(c) A Government Advocate or Assistant Government Advocate;

(d) A Government Solicitor;

and whose pay is fixed at a definite rate, but his whole-time is not retained for the service of Government, may be granted leave as follows, it being permissible to combine leave under one clause with leave under any other clause:

(a) Leave on full pay during the vacation of the High Court; provided that no extra expense is thereby caused to Government. Such leave will be counted as duty.

(b) Leave on half-pay for not more than six months once only in his service after six years of duty; provided that no extra expense is thereby caused to Government.

(c) On medical certificate, leave on half-pay up to a maximum of 20 months at any one time ; provided that three years of duty must intervene between any two preiods of leave on medical certificate ; provided that no extra expense is thereby caused to Government.

(d) On the conditions prescribed in clause (1) of rule 175, extraordinary leave up to maximum of 3 months on any one occasion.

215. Law Officer to whom, if they were whole-time Government employees, the rules in Section II of this Chapter would apply will be governed in respect of leave by rule 214, save that the grant to them of leave on medical certificate will be regulated as follows :—

Leave on medical certificate may be allowed subject to maximum of 12 months during the whole service ; when the maximum period of 12 months is exhausted, further leave on medical certificate not exceeding 6 months in all may be granted in exceptional cases on the recommendation of a medical board. Leave on medical certificate may be granted without the restriction prescribed in clause (c) of rule 214 but is subject to the proviso that no extra expense is thereby caused to Government.

216. A Government Pleader or a Government Prosecutor is entitled to such leave of absence and to such leave-salary when on leave, as the authority who appoints him may think fit to grant, provided that no extra expense be caused to Government.

Part time Govt. employees.

217. Any other part-time Government employee, whether permanent or temporary, may be granted leave under the same terms and conditions as temporary and officiating whole-time Government employees under the rules in Section II of this Chapter.

Govt. employees remunerated by fees.

218. A Government employee remunerated by fees may be granted leave on the terms laid down in rule 215, provided that he makes satisfactory arrangements for the performance of his duties, that no extra expense is caused to Government, and that during leave of the kind contemplated by clause (b) of rule 214, the whole of the fees are paid to the person who officiates in his post.

During a period of probation or apprenticeship.

219. During their period of probation or apprenticeship, probationers and apprentices are entitled to leave as follows :

(i) Probationers, to the leave admissible under the leave rules which would be applicable to them if they held the posts substantively otherwise than on probation ; and

(ii) Apprentices—to leave on medical certificate on leave-salary equivalent to half-pay for a period not exceeding one month in any year of apprenticeship, and to extraordinary leave.

220 **Leave as admissible to temporary Government employees may be allowed to the following classes of Government employees paid from contingencies:** Govt employees paid from contingencies

(i) Wholetime and employed throughout the year.

(ii) Wholetime but not employed throughout the year.

Section VI—Leave procedure

221. **Rules made by Government regulating leave procedure, including the maintenance of records of service, are contained in Appendix No. 7.** Leave procedure.

CHAPTER XVI—OCCUPATION OF GOVERNMENT RESIDENCES

N.B.—To be printed later on after amendments of the rules in this chapter are made in consultation with Housing Deptt. and Public Works Deptt.

APPENDIX No. 1

Heads of Department

[Rule 5(16)]

The following have been declared to be Heads of Departments for the purpose of those rules and of the West Bengal Service Rules, Part II :—

(1) Director of Agriculture and Food Production.

(2) Milk Commissioner.

(2A) Director of Animal Husbandry.

(3) Director, Veterinary Services.

(4) Director of Industries.

(5) Director of Cinchona.

(6) Director of Medicinal Plants.

(7) Mining Adviser and Ex-officio Director of Mines.

(8) Chief Electric Inspector.

(9) Controller of Weights and Measures.

(10) Registrar of Co-operative Societies.

(11) Development Commissioner.

(12) Chief and Superintending Engineers in the Construction Boards Branch of the Department of Public Works.

(13) Chief and Superintending Engineers in the Roads Branch of the Department of Public Works.

(13A) Director, Roads and Building Research Institute.

(14) Chief Electrical Engineer and Electrical Adviser to the Government of West Bengal in the Electrical Development Branch of the Development Department.

(15) Director of Public Instruction.

(16) Commissioner of Excise.

(17) Director, Bureau of Applied Economics and Statistics.

(18) Commissioner, Commercial Taxes.

(19) Commissioner, Agricultural Income Taxes.

(20) Director of Fisheries.

(21) Director of Rationing in the Department of Food and Supplies.

(21A) Director of District Distribution, Procurement and Supply in the Department of Food and Supplies.

(22) Director of Consumer's Goods in the Department of Food and Supplies.

(23) Director of Textiles in the Department of Food and Supplies.

(24) Director of Storage in the Department of Food and Supplies.

(25) Director of Transportation in the Department of Food and Supplies.

(26) Director of Statistics in the Department of Food and Supplies.

(27) Controller of Finance in the Department of Food and Supplies.

(28) Director of Relief in the Department of Food and Supplies.

(29) Chief Conservator of Forests.

(29A) Conservators of Forests.

(30) Omitted.

(31) Director of Health Services.

(32) Chief Engineer, Public Health Engineering.

(33) Director, Social Welfare.

(34) Principal Officer, Mercantile Marine Department, Calcutta District, Calcutta.

(35) Director, Public Vehicles Department.

(36) Director of Tourism.

(37) Inspector-General of Police.

(38) Commissioner of Police, Calcutta.

(39) Inspector-General of Prisons.

(40) Director of Informations and Public Relations.

(41) Chief and Superintending Engineers in the Department of Housing.

(42) Chief and Superintending Engineers in the Department of Irrigation and Waterways.

(43) Chief and Superintending Engineers in the Department of Public Works.

(44) Director, River Research Institute.

(45) Commissioner of Labour.

(46) Commissioner of Workmen's Compensation.

(47) Chief Inspector of Boilers.

(48) Chief Inspector of Factories.

(49) Director, National Employment Service.

(49A) Chief Inspector of Shops and Establishment.

(50) Board of Revenue.

(51) Commissioners of Divisions.

(52) Director of Land Records and Surveys.

(53) Superintendent and Remembrancer of Legal Affairs.

(54) Chief Judge, City Civil and Sessions Court.

(55) Chief Presidency Magistrate, Calcutta.

(56) Chief Judge, Small Causes Court.

(57) Administrator-General and Official Trustee.

(58) Official Receiver, Calcutta.

(59) Official Assignee.

(60) District and Sessions Judges.

(61) Inspector-General of Registration.

(62) Director of Panchayats.

(63) Director of Fire Service.

(64) Omitted.

(65) Director of Scheduled Castes and Tribal Welfare.

(66) Director, Cultural Research Institute under the Department of Scheduled Castes and Tribal Welfare.

(67) Advocate-General.

(68) Sheriff, Calcutta.

(69) Chairman, Public Service Commission.

(70) Secretaries to Government (or where there is no Secretary, Joint Secretaries-in-charge of the Department in respect of officers who are not subordinate to any of the other Heads of Departments mentioned in the list).

(71) Director, State Lotteries, West Bengal.

(72) Secretary to the Governor of West Bengal.

*(73) Secretary, State Soldiers' Sailors' and Airmen's Board, West Bengal.

*(74) Vigilance Commissioner, West Bengal.

*(75) Registrar-General of Births, Deaths and Marriages, West Bengal.

*(76) Director, State Drugs Control and Research Laboratory.

*(77) Director of Treasuries and Accounts, West Bengal.

*(78) Commissioner of Urban Land Ceiling.

*(79) Director of Pension, Provident Fund & Group Insurance.

APPENDIX NO. 2

*(80) Director, Administrative Training Institute Govt. of West Bengal at Bidhannagar, (Salt Lake City.)

Members of Clerical Staff

[Vide Note 1 below rule 5(8)]

1. Office Superintendent (Non-gazetted).

2. Head Assistant, Assistant-in-charge, Section-in-charge.

3. Posts of Clerks of any designation such as Chief Clerk, Head Clerk, Principal Clerk, Upper Division Clerk, Lower Division Clerk, Senior Clerk, 2nd Grade Clerks, 3rd Grade Clerks, 4th Grade Clerks, Junior Clerk, Corresponding Clerk, Work-shop Clerks, Burmese-Knowing Clerks, Chinese Clerks, Survey-knowing Clerks, Statistical Clerk, Calculators,

4. Posts of Assistants of any designation such as Upper Division Assistants, Senior Assistant, Lower Division Assistants, Ward Assistants, Security Assistants, Statistical Assistants, Assistant (Establishment), etc. (but not the Laboratory Assistant in the different Department of Government), the Information Assistants (in the Department of Publicity) or the Health Assistants, Depot Assistants, X-Ray Assistants, Dark-room Assistants and Medical Assistants (in the Directorate of Health).

5. Stenographers, Personal Assistants (hitherto designated as Stenographers), Steno-typists.

6. Typists, Clerk-Typists.

7. Despatcher.

8. Time Keeper, Assistant Time Keeper.

9. Chief Store Keeper, Store Keeper, Assistant Store Keepers, Storeman, Miscellaneous Store Keeper, Assistant Miscellaneous Store Keeper, Stock-taker.

10. Librarian, Assistant Librarian, Library Assistants.

11. Omitted.

12. Clerk Interpreter, Chinese Interpreter, Assisant Chinese Interpreter.

13. Confidential Record Keeper of Governor's Secretariat.

14. Nagri Munsi.

15. Sheristadar, Record Keeper, Assistant Record Keeper, Peshkar, Nazir, Translator, Copyist, Touzi Navis, Revenue Peshkar.

16. Assistant Tahsildar, Tahsildar, Naib, Mohurrir.

17. Checker, Notice Writer.

18. Accountants of any designation such as Senior Accountant, Junior Accountant, Store Accountant, Assistant Accountant, etc.

19. Clerk Supervisor.

20. Treasurer, Assistant Treasurer.

21 Cashier, Nazir, Assistant Cashier, Toll Daroga, Toll Collector, Assistant Toll Collector, Treasurer, Nazir-cum-Cashier, Cash Sarkar, Rent Collecting Sarkar, Rent Collector, Bed Rent Collector, Diet Sarkar.

22. P. A. to the Principal, Bengal Engineering College (None-Gazetted).

23. Stewards and Care-takers of Government Colleges.

24. Head Reader and Assistant Readers in the office of the Registrar of Publications.

25. Milk Recorder and Egg Recorder in the Directorate of Animal Husbandry and Veterinary Services.

26. Vehicle Superintendent, Supervisor, Store-Verification Officer, Officer-in-charge, District Revenue Store and Inspector of Accounts in the Directorate of Health Services.

27. Instrument Care-taker, Linen Keeper, Linen Store-Keeper, Inspector (Stores) and Laundry charge women in Offices under the Director of Health Services.

APPENDIX No. 3

** Omitted

APPENDIX No. 4

** Omitted

**APPENDIX No. 5

Study Leave

1. *Conditions for grant of study leave*—(1) Subject to the conditions secified in this Appendix, study leave may be granted to a Government employee with due regard to the exigencies of public service to enable him to undergo, in or out of West Bengal| India, a special course of study consisting of higher studies or specialised training in a professional or a technical subject having a direct and close connection with the sphere of his duty.

(2) Study leave may also be granted—

(i) for a course of training or study tour in which a Government employee may not attend a regular academic or semi-academic course if the course of training or the study tour is certified to be of definite advantage to Government from the point of view of public interest and is related to the sphere of duties of the Government employee,

(ii) for the purpose of studies connected with the framework or background of public administration subject to the conditions that—

(a) the particular study or study tour shall be approved by the authority competent to grant leave; and

(b) the Government employee shall be required to submit, on his return, a full report on the work done by him while on study leave, and

(iii) for the studies which may not be closely or directly connected with the work of a Government employee, but which are capable of widening his mind in a manner likely to improve his abilities as a civil employee and to equip him better to collaborate with those employed in other branches of the public service.

Note.—Application of study leave in cases falling under clause (iii) shall be considered on merits of each case in consultation with the Department of Finance.

(3) Study leave shall not be granted unless—

(i) it is certified by the authority competent to grant leave that the proposed course of study or training shall be of definite advantage from the point of view of public interest,

(ii) it is for prosecution of studies in subjects other than academic or literary subject,

(iii) the Department of Economic Affairs of the Ministry of Finance agrees to the release of foreign exchange involved in the grant of study leave, if such leave is outside India.

(4) Study leave out of India shall not be granted for the prosecution of studies in subjects for which adequate facilities exist in India or under any of the Schemes administered by this Government or by the Government of India.

(5) Study leave shall not ordinarily be granted to a Government employee—

(i) who has rendered less than five year's service under the Government,

(ii) who is due to retire, or has the option to retire, from the Government service within three years of the date on which he is expected to return to duty after the expiry of the leave.

(6) Study leave shall not be granted to a Government employee with such frequency as to remove him from contact with his regular work or to cause cadre or service difficulties owing to his absence on leave.

2. *Maximum amount of study leave*—The maximum amount of study leave which may be granted to a Government employee shall be—

(a) ordinarily twelve months at any one-time, and

(b) during his entire service, twenty-four months in all (inclusive of similar kind of leave for study or training granted under any other rule).

3. *Applications for study leave*—(1) (a) Every application for study leave shall be submitted through proper channel to the authority competent to grant leave.

(b) The course or courses of study contemplated by the Government employee and any examination which he proposes to undergo shall be clearly specified in such application.

(2) Where it is not possible for the Government employee to give full details in his application, or if, after leaving India, he is to make any change in the programme which has been approved in West Bengal India, he shall submit the particulars as soon as possible to the Head of the Mission or the authority competent to grant leave, as the case may be, and shall not, unless prepared to do so at his own risk, commence the course of study or incur any expenses in connection therewith until he receives the approval of the authority competent to grant the study leave for the course.

4. *Sanction of study leave*—(1) A report regarding the admissibility of the study leave shall be obtained from the Head of Office:

Provided that the study leave, if any, already availed of by the Government employee shall be included in the report.

(2) Where a Government employee borne permanently on the cadre of one department or establishment is serving temporarily in another department or establishment, the grant of study leave to him shall be subject to the condition that the concurrence of the department or the establishment to which he is permanently attached is obtained before leave is granted.

(3) Where the study leave is granted for prosecution of studies abroad, the Head of the Mission concerned shall be informed of the fact by the authority granting the leave.

Note.—The Head of the Mission shall be contacted by the Government employee for issue of any letters of introduction or for other similar facilities that may be required.

(4) (a) Every Government employee in permanent employ who has been granted study leave or extension of such study leave shall be required to execute a bond in Form 2 or Form 3, as the case may be, before the study leave or extension of such study leave granted to him commences.

(b) Every Government employee not in permanent employ who has been granted study leave or extension of such study leave shall be required to execute a bond in Form 4 or Form 5, as the case may be, before the study leave or extension of such study leave granted to him commences.

(c) The Authority competent to grant leave shall send to the Head of Office a certificate to the effect that the Government employee referred to in clause (a) or clause (b) has executed the requisite bond.

(5) (a) On completion of the course of study, the Government employee shall submit to the authority which granted him the study leave, the certificates of examinations passed or special courses of study undertaken, indicating the date of commencement and termination of the course with the remarks, if any, of the authority-in-charge of the course of study.

(b) If the study is undertaken in a country outside India where there is an Indian Mission, the certificates shall be submitted through the Head of the Mission concerned.

(6) The competent authority to grant study leave is the Government only.

5. *Accounting of study leave and combination with leave of other kidns*—(1) Study leave shall not be debited against the leave account of the Government employee.

(2) Study leave may be combined with other kinds of leave, but in no case shall the grant of this leave in combination with leave, other than extraordinary leave, involve a total absence of more than twenty-eight months from the regular duties of the Government employee.

Explanation.—The limit of twenty-eight months of absence prescribed in this sub-rule includes the period of vacation.

(3) A Government employee granted study leave in combination with any other kind of leave may, if he so desires, undertake or commence a course of study during any other kind of leave and subject to the other conditions laid down in rule 8 being satisfied, draw study allowance in respect thereof:

Provided that the period of such leave coinciding with the course of study shall not count as study leave.

6. *Regulation of study leave extending beyond course of study*—When the course of study falls short of study leave granted to a Government employee, he shall resume duty on the conclusion of the course of study, unless the previous sanction of the authority competent to grant leave has been obtained to treat the period of shortfall as ordinary leave.

7. *Leave salary during study leave*—(1) During study leave availed of outside India, a Government employee shall draw leave salary equal to the pay (without allowances other than the dearness allowance) that the Government employee drew while on duty with Government immediately before proceeding on such leave, in addition to the study allowance admissible in accordance with the provisions of rules 8 to 10.

(2) (a) During study leave availed in India, a Government employee shall draw leave salary equal to the pay without allowances that the Government employee drew while on duty with Government immediately before proceeding on such leave.

(b) Payment of leave salary at full rate under clause (a), shall be subject to furnishing of a certificate by the Government employee to the effect that he is not in receipt of any scholarship, stipend or remuneration in respect of any part-time employment.

(c) The amount, if any, received by a Government employee during the period of study leave as scholarship or stipend or remuneration in respect of any part-time employment as envisaged in sub-rule (2) of rule 8, shall be adjusted against the leave salary payable under this sub-rule subject to the condition that the leave salary shall not be reduced to an amount less than that payable as leave salary during half pay leave.

(d) No study allowance shall be paid during study leave for courses of study in India.

Note.—A Government employee who is granted study leave shall be entitled to draw house rent allowance during the first 120 days of the study leave at the rate admissible to the Government employee from time to time at the station from where he proceeded on study leave. The continuance of payment of house rent allowance beyond 120 days of the study leave shall, however, be subject to the production of certificates as prescribed.

8. *Conditions for grant of study allowance*—(1) A study allowance shall be granted to a Government employee who has been granted study leave for studies outside India for the period spent in prosecuting a definite course of study at a recognised institution or in any definite tour or inspection of any special class of work, as well as for the period covered by any examination at the end of the course of study.

(2) Where a Government employee has been permitted to receive and retain, in addition to his leave salary, any sholarship or stipend that may be awarded to him from a Govern-

ment or non-Government sources, or any other remuneration in respect of any part-time employment—

(a) no study allowance shall be admissible in case the net amount of such scholarship or stipend or remuneration (arrived at by deducting the cost of fees, if any, paid by the Government employee from the value of the scholarship or stipend or remuneration) exceeds the amount of study allowance otherwise admissible,

(b) in case the net amount of scholarship or stipend or remuneration is less than the study allowance otherwise admissible, the difference between the value of the net scholarship or stipend or any other remuneration in respect of any part-time employment and the study allowance may be granted by the authority competent to grant leave.

(3) Study allowance shall not be granted for any period during which a Government employee interrupts his course of study to suit his own convenience :

Provided that the authority competent to grant leave or the Head of Mission may authorise the grant of study allowance for a period not exceeding 14 days at a time during such interruption if it was due to sickness.

(4) Study allowance shall also be allowed for the entire period of vacation during the course of study subject to the conditions that—

(a) the Government employee attends during vacation any special course of study or practical training under the direction of the Government or the authority competent to grant leave, as the case may be ; or

(b) in the absence of any such direction, he produces satisfactory evidence before the Head of the Mission or the authority competent to grant leave, as the case may be, that he has continued his studies during the vacation :

Provided that in respect of vacation falling at the end of the course of study it shall be allowed for a maximum period of 14 days.

(5) The period for which study allowance may be granted shall not exceed 24 months in all.

9. *Rates of study allowance*—The rates of study allowance for countries abroad shall be at the rates fixed by Government of India for its employees from time to time.

10. *Procedure for payment of study allowance*—(1) Payment of study allowance shall be subject to the furnishing of a certificate by the Government employee to the effect that he is not in receipt of any scholarship, stipend or any other remuneration in respect of any part-time employment.

(2) Study allowance shall be paid at the end of every month provisionally subject to an undertaking in writing being obtained from the Government employee that he would refund to the Government any overpayment consequent on his failure to

produce the required certificate of attendance or on his failure to satisfy the authority competent to grant leave about the proper utilization of the time spent for which study allowance is claimed.

(3) (a) In the case of a definite course of study at a recognised institution, the study allowance shall be payable by the authority competent to grant leave, if the study leave availed of is in a country where there is no Indian Mission, and by the Head of the Mission in other cases, on claims submitted by the Government employee from time to time, supported by proper certificates of attendance.

(b) The certificate of attendance required to be submitted in support of the claims for study allowance shall be forwarded at the end of the term, if the Government employee is undergoing study in an educational institution, or at intervals not exceeding three months, if he is undergoing study at any other institution.

(4) (a) When the programme of study approved does not include, or does not consist entirely of such a course of study, the Government employee shall submit to the authority competent to grant leave direct or through the Head of the Mission a diary showing how his time has been spent and a report indicating fully the nature of the methods and operations which have been studied and including suggestions as the possibility of adopting such methods or operations to conditions obtaining in India.

(b) The authority competent to grant leave shall decide whether the diary and report show that the time of the Government employee was properly utilised and shall determine accordingly for what periods study allowance may be granted.

11. *Admissibility of allowances in addition to study allowance*—No allowance of any kind other than dearness allowance and house rent allowance referred to in Note below rule 7 and study allowance where admissible, shall be admissible to a Government employee in respect of the period of study leave granted to him.

12. *Travelling allowance during study leave*—A Government employee to whom study leave has been granted shall not ordinarily be paid travelling allowance but the Governor may in exceptional circumstances sanction the payment of such allowance.

13. *Cost of fees for study*—A Government employee to whom study leave has been granted shall ordinarily be required to meet the cost of fees to be paid for the study but in exceptional cases, the Governor may sanction the grant of such fees :

Provided that in no case shall the cost of fees be paid to a Government employee who is in receipt of scholarship or stipend from whatever source or who is permitted to receive or retain, in addition to his leave salary, any remuneration in respect of part-time employment.

14. *Resignation or retirement after study leave*—(1) If a Government employee resigns or retires from service or otherwise quits service without returning to duty after a period of study leave or within a period of three years after such return to duty, he shall be required to refund—

(i) the actual amount of leave salary, study allowance, cost of fees, travelling and other expenses, if any, incurred by the Government,

(ii) the actual amount, if any, of the cost incurred by other agencies, such as foreign Governments, foundations and Trusts in connection with the course of study, together with interest thereon at rates for the time being in force on Government loans, from the date of demand, before his resignation is accepted or permission to retire is granted or his quitting service otherwise :

Provided that nothing in this rule shall apply—

(a) to a Government employee who, after return to duty from study leave, is permitted to retire from service on medical grounds ; or

(b) to a Government employee who, after return to duty from study leave, is deputed to serve in any statutory or autonomous body or institution under the control of the Government and is subsequently permitted to resign from service under the Government with a view to his permanent absorption in the said statutory or autonomous body or institution in the public interest.

(2) (a) The study leave availed of by such Government employee shall be converted into regular leave standing at his credit on the date on which the study leave commences, any regular leave taken in continuation of study leave being suitably adjusted for the purpose and the balance of the period of study leave, if any, which cannot be so converted, treated as extraordinary leave.

(b) In addition to the amount to be refunded by the Government employee under sub-rule (1), he shall be required to refund any excess of leave salary actually drawn over the leave salary admissible on conversion of the study leave.

(3) Notwithstanding anything contained in this rule, the Governor may, if it is necessary or expedient to do so, either in public interest or having regard to the peculiar circumstances of the case or class of cases, by order, waive or reduce the amount required to be refunded under sub-rule (1) by the Government employee concerned or class of Government employees.

Form 1

BOND FOR TEMPORARY GOVERNMENT EMPLOYEE GRANTED EXTRAORDINARY LEAVE IN TERMS OF RULE 175(2)(iii) OF THE WEST BENGAL SERVICE RULES, PART I, FOR STUDY.

KNOW ALL MEN BY THESE PRESENTS THAT

I ..... resident of ..... in the district of .....at present employed as ..... in the Department|Office of .....(hereinafter called "the Obligor") and Shri|Shrimati|Kumari .... son|daughter of ..... of ....(hereinafter called 'the surities'), do hereby jointly and severally bind ourselves and our respective heirs, executors and administrators, to pay to the Governor of West Bengal, his successors and assigns (hereinafter called the "Government") on demand the sum of Rs. ..... (Rupees .....) together with interest thereon from the date of demand of Government rates for the time being in force on Government loans, or, if the payment is made in a country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India AND TOGETHER with all costs between attorney and client and all charges and expenses that shall or may have been incurred by the Government;

WHEREAS the Government has, at the request for the above bounden Shri|Shrimati|Kumari ..... employed as a ..... granted him|her regular leave, followed by extraordinary leave without pay and allowance for a period of ..... months..... days with effect from ..... in order to enable him|her to study at .....;

AND WHEREAS the Government has appointed|will have to appoint a substitute to perform the duties of..... during the period of absence of Shri|Shrimati|Kumari..... on extraordinary leave;

AND WHEREAS for the better protection of the Government, the obligor has agreed to execute this bond with two sureties with such condition as hereunder written;

AND WHEREAS the said sureties have agreed to execute this bond as sureties on behalf of the bounden .....;

NOW THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT in the event of the above bounden, Shri|Shrimati|Kumari ..... failing to rejoin on the expiry of the period of extraordinary leave, the post originally held by him|her and serve the Government after rejoining for such period not exceeding a period of ..... years as the Government may require or refusing to serve the Government in any other capacity as may required by the

Government on a salary to which he|she would be entitled under the rules, the said Shri|Shrimati|Kumari .... or his|her heirs, executors and administrators shall forthwith pay to the Government on demand the said sum of Rs. ..... together with interest thereon from the date of demand at Government rates for the time being in force on Government loans;

AND upon the obligor Shri|Shrimati|Kumari ....and|or Shri|Shrimati|Kumari .... and|or Shri|Shrimati|Kumari ...., the sureties aforesaid, making such payment the above written obligation shall be void and be of no effect, otherwise it shall be and remain in force and virtue:

PROVIDED always that the liability of the sureties hereunder shall not be impaired or discharged by reason of time being granted or by any forbearance, act or omission of the Government or any person authorised by them (whether with or without the consent or knowledge of the sureties) nor shall it be necessary for the Government to use the obligor before suing the sureties Shri|Shrimati|Kumari ..... and Shri|Shrimati|Kumari ..... or any of them for amounts due hereunder.

The bond shall in all respects be governed by the Laws of West Bengal for the time being in force and the rights and liabilities hereunder shall where necessary be accordingly determined by the appropriate Courts in India.

The Government of West Bengal have agreed to bear the stamp duty payable on this bond.

Signed and dated this ..... day of ..... one thousand nine hundred and .....

Signed and delivered by the obligor abovenamed Shri|Shrimati|Kumari ..... in the presence of

Witnesses: 1. .....

2. .....

Signed and delivered by the surety abovenamed Shri|Shrimati|Kumari ..... in the presence of

Witnesses: 1. .....

2. .....

Signed and delivered by the surety abovenamed Shri|Shrimati|Kumari .....

Witnesses: 1. .....

2. .....

ACCEPTED

for and on behalf of the Governor of West Bengal.

Form 2 .

[See Rule 4(4)]

BOND TO BE EXECUTED BY A GOVERNMENT EMPLOYEE IN PERMANENT EMPLOY, WHEN PROCEEDING ON STUDY LEAVE

KNOW ALL MEN BY THESE PRESENTS THAT I. ..... resident of .... in the district of .... at present employed as .....in the Department|Office of ..... do hereby bind myself and my heirs, executors and administrators to pay to the Governor of West Bengal (hereinafter called the "Government") on demand the sum of Rs. ..... (Rupees .....) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans or, if payment is made in a country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India AND TOGETHER with all costs between attorney and client and all charges and expenses that shall or may have been incurred by the Government.

WHEREAS I ..... have been granted study leave by Government;

AND WHEREAS for the better protection of the Government I have agreed to execute this bond with such condition as hereunder is written;

NOW THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT in the event of my failing to resume duty, or resigning or retiring from service or otherwise quitting service without returning to duty, after the expiry or termination of the period of study leave or at any time within a period of three years after my return to duty, I shall forthwith pay to the Government or as may be directed by the Government on demand the said sum of Rs. ..... (Rupees .....) only together with interest thereon from the date of demand at Government rates for the time being in force on Government loans;

AND upon my making such payment the above written obligations shall be void and be of no effect, otherwise it shall be and remain in full force and virtue.

The Bond shall in all respects be governed by the laws of West Bengal for the time being in force and the rights and liabilities hereunder shall, where necessary, be accordingly determined by the appropriate Courts in India.

The Government of West Bengal have agreed to bear the stamp duty payable on this bond.

Signed and dates this ..... day of one thousand nine hundred and .....

Signed and delivered by ..... in presence of

Witnesses: 1. .....
2. .....

ACCEPTED

for and on behalf of the
Governor of West Bengal.

Form 3

[See Rule 4(4)]

BOND TO BE EXECUTED BY A GOVERNMENT EMPLOYEE IN PERMANENT EMPLOY, WHEN GRANTED EXTENSION OF STUDY LEAVE

KNOW ALL MEN BY THESE PRESENTS THAT

I ..... resident of ..... in the district of ..... at present employed as ..... in the Department|Office of ..... do hereby bind myself and my heirs, executors and administrators to the Governor of West Bengal (hereinafter called "the Government") on demand the sum of Rs. ..... (Rupees .....) only together with interest thereon from the date of demand at Government rates for the time being in force on Government loans or, if payment is made in a country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India AND TOGETHER with all costs between attorney and client and all charges and expenses that shall or may have been incurred by the Government;

WHEREAS I ..... was granted study leave by Government for the period from ..... to ..... in consideration of which I executed a bond dated ..... for Rs. ..... (Rupees ....) only in favour of the Governor of West Bengal;

AND WHEREAS the extension of study leave has been granted to me at my request until .....;

AND WHEREAS for the better protection of the Government I have agreed to execute this bond with such condition as hereunder is written;

NOW THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT in the event of my failing to resume duty, or resigning or retiring from service or otherwise quitting service without returning to duty, after the expiry or termination of the period of study leave so extended or any time within a period of three years after my return to duty, I shall forthwith pay to the Government or as may be directed by the Government on demand the said sum of Rs. ..... (Rupees .....) only together with interest thereon from the date of demand at Government rates for the time being inforce on Government loans.

AND upon my making such payment the above written obligation shall be void and be of no effect, otherwise it shall be and remain in full force and virtue.

The Bond shall in all respects be governed by the laws of West Bengal for the time being in force and the rights and liabilities hereunder shall, where necessary, be accordingly determined by the appropriate Courts in India.

The Government of West Bengal have agreed to bear the stamp duty payable on this bond.

Signed and dated this ..... day of ..... one thousand nine hundred and .....

Signed and delivered by ..... in the presence of

Witnesses: 1. .....
2. .....

ACCEPTED

for and on behalf of the
Governor of West Bengal.

Form 4

[See Rule 4(4)]

BOND TO BE EXECUTED BY A GOVERNMENT EMPLOYEE NOT IN PERMANENT EMPLOY, WHEN PROCEEDING ON STUDY LEAVE

KNOW ALL MEN BY THESE PRESENTS THAT

We ..... resident of ..... in the district of ..... at present employed as ..... in the Department|Office of ..... (hereinafter called "the obligor") and Shri|Shrimati|Kumari ..... son|daughter of ..... of ..... and Shri|Shrimati|Kumari .....

son|daughter of .....
of ..... (hereinafter called "the sureties") do hereby jointly and serverally bind ourselves and our respective heirs, executors and administrators to pay to the Governor of West Bengal (hereinafter called "the Government") on demand the sum of Rs. .....
(Rupees .....) only together with interest thereon from the date of demand at Government rates for the time being in force on Government loans or, if payment is made in a country other than India,, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India AND TOGETHER with all costs between attorney and client and all charges and expenses that shall or may have been incurred by the Government;

WHEREAS the obligor is granted study leave by the Government;

AND WHEREAS for the better protection of the Government, the obligor has agreed to execute this bond with such condition as hereunder is written;

AND WHEREAS the said sureties have agreed to execute this bond as sureties on behalf of the above bounden;

NOW THE CONDITION OF THE ABOVE WRITTEN OBLIGATIONS IS THAT in the event of the obligor Shri|Shrimati|Kumari ..... failing to resume duty, or resigning from service or otherwise quitting service without returning to duty, after the expiry of termination of the period of study leave or at any time within a period of three years after his return to duty, the obligor and the sureties shall forthwith pay to the Government or as may be directed by the Government on demand the said sum of Rs. ..... (Rupees .....
.....) only together with interest thereon from the date of demand at Government rates for the time being in force on Government loans;

AND upon the obligor Shri|Shrimati|Kumari.....
..... and|or Shri|Shrimati|Kumari .....
..... and|or Shri|Shrimati|Kumari
..... the sureties aforesaid making such payment the above written obligation shall be void and be of no effect, otherwise it shall be and remain in full force and virtue:

PROVIDED ALWAYS that the liability of the sureties hereunder shall not be impaired or discharged by reasons of time being granted or by any forbearance, act or omission of the Government or any person authorised by them (whether with or without the consent or knowledge of the sureties) nor shall it be necessary, for the Government to sue the obligor before suing the sureties Shri|Shrimati|Kumari .....
..... and Shri|Shrimati|Kumari .....
..... or any of them for amounts due hereunder.

The bond shall in all respects be governed by the laws of West Bengal for the time being in force and the rights and liabilities hereunder shall where necessary be accordingly determined by the appropriate Courts in India.

The Government of West Bengal have agreed to bear the stamp duty payable on this bond.

Signed and dated this ..... day of ..... one thousand nine hundred and .....

Signed and delivered by the obligor abovenamed Shri|Shrimati|Kumari ..... in the presence of

Witnesses : 1. .....
2. .....

Signed and delivered by the surety abovenamed Shri|Shrimati|Kumari ..... in the presence of

Witnesses : 1. .....
2. .....

Signed and delivered by the surety abovenamed Shri|Shrimati|Kumari ..... in the presence of

Witnesses : 1. .....
2. .....

ACCEPTED

for and on behalf of the
Governor of West Bengal.

Form 5

[See Rule 4(4)]

BOND TO BE EXECUTED BY A GOVERNMENT EMPLOYEE NOT IN PERMANENT EMPLOY, WHEN GRANTED EXTENSION OF STUDY LEAVE

KNOW ALL MEN BY THESE PRESENTS THAT

I ..... resident of ..... in the District of .....at present employed as ..... in the Department|Office as..... (hereinafter called "the obligor") and Shri|Shrimati|Kumari ..... son|daughter of ..... of ..... and Shri|Shrimati|Kumari ..... (hereinafter called "the sureties") do hereby jointly and severally bind ourselves and our respective heirs, executors and adminis-

trators to pay to the Governor of West Bengal (hereinafter called "the Government") on demand the sum of Rs. ..... (Rupees .....) only together with interest thereon from the date of demand at Government rates for the time being in force on Government loans or, if payment is made in a country other than West Bengal, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India AND TOGETHER with all costs between attorney and client and all charges and expenses that shall or may have been incurred by the Government;

WHEREAS the obligor was granted study leave by the Government for the period from ..... to ..... in consideration of which he executed a bond dated ..... for Rs. ..... (Rupees .....) only in favour of the Governor of West Bengal;

AND WHEREAS the extension of study leave has been granted to the obligor at his request until .....;

AND WHEREAS for the better protection of the Government, the obligor has agreed to execute this bond with such condition as hereunder is written;

AND WHEREAS the said sureties have agreed to execute this bond as sureties on behalf of the above bounden .....;

NOW THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT in the event of the obligor Shri|Shrimati|Kumari ..... failing to resume duty, or resigning from service or otherwise quitting service without returning to duty after the expiry or termination of the period of study leave so extended or at any time within a period of three years after his return to duty, the obligor and the sureties shall forthwith pay to the Government or as may be directed by the Government on demand the said sum of Rs. ..... (Rupees .....) only together with interest thereon from the date of demand at Government rates for the time being in force on Government loans.

AND upon the obligor Shri|Shrimati|Kumari .... and|or Shri|Shrimati|Kumari .... the sureties aforesaid making such payment the above written obligation shall be void and be of no effect, otherwise it shall be and remain in force and virtue:

PROVIDED ALWAYS that the liability of the sureties hereunder shall not be impaired or discharged by reason of time being granted or by any forbearance, act or omission of the Government or any person authorised by them (whether with or without the consent or knowledge of the sureties) nor shall it be necessary for the Government to sue the obligor before suing the sureties Shri|Shrimati|Kumari .... and Shri|Shrimati|Kumari .... or any of them for amounts due hereunder.

The bond shall in all respects be governed by the laws of West Bengal for the time being in force and the rights and liabilities hereunder shall where necessary be accordingly determined by the appropriate Courts in India.

The Government of West Bengal have agreed to bear the stamp duty payable on this bond.

Signed and dated this ..... day of ..... one thousand nine hundred and .....

Signed and delivered by the obligor above named Shri| Shrimati|Kumari ..... in he presence jo

Witnesses : 1. .....

2 .....

Signed and delivered by the obligor abovenamed Shri| Shrimati|Kumari ..... in the presence of

Witnesses : 1. .....

2. .....

Signed and delivered by the surety abovenamed Shri| Shrimati|Kumari ..... in the presence of

Witnesses : 1. .....

2. .....

ACCEPTED
for and on behalf of the Governor
of West Bengal.

APPENDIX No. 6

GOVERNMENT OF WEST BENGAL

FINANCE DEPARTMENT

Audit Branch

NOTIFICATION

No. 2888-F.

Calcutta, the 7th August 1959

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor is pleased to make the following rules regulating the conditions of service relating to conduct of persons appointed to public services or posts in connection with the affairs of the State, namely:

RULES

1. *Short title and applications.*—(a) These rules mav be called the West Bengal Government Servants' Conduct Rules, 1959. They shall come into force with effect from the 7th day of August 1959.

**(b) They shall apply to the members of Police and Jail staff falling under the purview of the Jail Code:

Provided that nothing in these rules shall apply to persons appointed to any all-India service.

2. *Definitions.*—In these rules, unless the context otherwise requires,—

(a) "Appointing authority" in relation to a Government employee means the authority empowered to make appointment to the service or post held by him for the time being:

Provided that in respect of a Government employee referred to in *Explanation I* or *Explanation II* of clause (d), the appointing authority shall be the appointing authority in respect of the post or service held by him substantively, before his services were placed at the disposal of, or transferred to, the body or the Government referred to in those *Explanations*.

(b) "Foreign service" means service in which a Government employee receives his pay with the sanction of Government, from any source (including the revenues of a local fund) other than the consolidated fund of the Government of India or of a State Government.

(c) "Government" means the Government of West Bengal.

(d) "Government employee" means any person appointed to a public service or post in connection with the affairs of the State.

Explanation I.—A Government employee shall not cease to be a Government employee merely because his services have, for the time being, been placed on foreign service at the disposal of a company, corporation, organisation or local authority and his pay, allowances, or other benefits are drawn from sources other than the consolidated fund of the State.

Explanation II.—A Government employee who is deputed or transferred to, or whose services are placed at the disposal of, the Government of India or any other State Government shall, for the period of his deputation or transfer or for the period during which his services are so placed, be governed by the Conduct Rules of the Government to which he is deputed or transferred or, as the case may be, at the disposal of which his services are so placed.

(e) "Members of the family," in relation to a Government employee, means—

(i) the wife, child or step-ehild of such Government employee whether residing with him or not and where the Government employee is a woman the husband; but does not include—

(1) a wife or husband legally separated from him or her; and

(2) a child or step-child who is no longer, in any way, dependent on him or her or of whose custody he or she has been deprived by law; and

(ii) any other person related, whether by blood or by marriage, to the Government employee or to the Government employee's wife or husband and wholly dependent on such Government employee.

(f) "State" means the State of West Bengal.

3. *General.*—Every Government employee shall, at all times, maintain a very high standard of integrity, impartiality and devotion to duty.

4. *Improper and unbecoming conduct.*—No Government employee shall behave in a manner which is improper and unbecoming of a public servant and derogatory to the prestige of Government.

Explanation I.—Any Government employee who takes part in a demonstration of any kind in a public street which interferes with the movement of people or traffic or involves any other offence, shall be deemed to be behaving in a manner which is improper and unbecoming of a public servant and derogatory to the prestige of the Government.

**Explanation II.*—A Government employee who, while present on any premises including any open space under the control of the Government, holds or participates in meetings without prior permission of the Government or holds any demonstration or raises any slogan or indulges in objectionable writtings or disorderly conduct or interferes in any way with the smooth running of office work, shall be deemed to be behaving in a manner which is improper and unbecoming of a public servant and derogatory to the prestige of the Government.

**4A. *Consumption of intoxicating drinks and drugs.*—A Government employee shall—

(a) strictly abide by any law relating to intoxicating drinks or drugs in force in any area in which he may happen to be for the time being;

(b) not be under the influence of any intoxicating drink or drug during the course of his duty and shall also take due care that the performance of his duties at any time is not affected in any way by the influence of such drink or drug;

(c) refrain from consuming any intoxicating drink or drug in a public place;

(d) not appear in a public place in a state of intoxication;

(e) not use any intoxicating drink or drug to excess.

Explanation I.—For the purposes of this rule, 'Public Place' means any place of premises (including a conveyance) to which the public have, or are permitted to have access, whether on payment or otherwise.

Explanation II.—The term 'Public Place' also means any place to which public, either on payment of some consideration or otherwise has a right to access and includes hotel, bar, restaurant, mess, club, cinema or theatre etc. Thus, for determination of the question whether any place or premises should be a 'Public Place' within the meaning of the rule, the accessibility of the place or premises to members of the public is the deciding factor. In other words, even in the case of clubs exclusively open to members only, if non-members are permitted by the clubs to be invited as guests of members, it would legally amount to the club authorities permitting access to the public. Then the club will be a public place not only for the non-members guests but also for the members so that the restriction as to consuming any intoxicating drinks or drug would be attracted to the latter also.

5. *Cases in which a Government employee or a relation of his is personally interested.*—Where a Government employee in the discharge of his official duties is called upon to decide a matter in which he or a relation of his is financially interested, he shall, at the earliest possible opportunity, bring the facts to the notice of the authority to whom he is subordinate.

6. *Use of Government vehicles and safes.*—Subject to any rules and orders made in this behalf no Government employee shall use or permit any member of his family to use a Government vehicle not meant for his use even on payment of cost of petrol, oil, lubricants, etc., nor shall he use or permit any member of his family to use any Government safe for the custody of his personal valuables.

7. *Travelling allowance on tour and transfer.*—A Government employee travelling on tour or transfer by rail or steamer shall ordinarily travel in that class of accommodation to which he is entitled to travel. If, however, he has occasion to travel in a lower class in connection with a journey on tour or transfer, he shall not draw the travelling allowance for that journey at the higher rate admissible for journey by the higher class on the ground that he is entitled to travel by the higher class.

8. *Application for a patent for an invention made by a Government employee.*—A Government employee whose duties involve the carrying out of scientific or technical research shall not apply for or obtain or cause or permit any other person to apply for or obtain a patent for an invention made by such Government employee save with the permission of Government and in accordance with such conditions as Government may impose.

Note.—If a question arises whether a Government employee's duties involve the carrying out of scientific or technical research within the meaning of this rule,, the decision of Government shall be final.

9. *Employment of official subordinates.*—No Government employee shall employ any official subordinate on regular domestic service.

10. *Gifts.*—(1) Save as otherwise provided in this rule, no Government employee shall except with the previous sanction of the appointing authority, accept either directly or indirectly on his own behalf or on behalf of any other person or permit any member of his family so to accept from any person any gift of more than trifling value :

Provided that gifts of a value, reasonable in all cirsumstances of the case, may be accepted from relations and personal friends or presented to such persons on occasions such as weddings, anniversaries, funerals and religious functions, when the making or receiving of such gifts is in conformity with the prevailing religious or social customs ; but acceptance of such gifts other than those of a trifling value should be reported to the appointing authority and the gifts shall be disposed of in such a manner as he may direct.

(2) If a question arises whether any gift is of trifling value or not, or where a Government employee is in any doubt whether a gift offered to him is of a trifling value or not, a reference shall be made to the appointing authority by such Government employee and the decision of the appointing authority thereon shall be final.

Explanation.—Whether or not a gift should be treated as of a trifling value shall depend on who the donor is and the circumstances in which the gift is made. A gift exceeding in value 1|20th of the monthly emoluments of a Government employee or Rs. 20, whichever is less, from a person who is not his relation or personal friend shall ordinarily be regarded as a gift not of trifling value. Gifts from relatives and personal friends up to the value of 1|8th of the monthly emoluments of the Government employee or Rs. 50, whichever is less, or even up to the value of one-half of such emoluments or Rs. 200, whichever is less, on special occassions such as mentioned in the proviso to sub-rule (1) may be regarded as of trifling value.

(3) If a Government employee or any member of his family cannot, without giving undue offence, refuse a gift of substantial value, he may accept the same, but the fact should be reported by the Government employee to the appointing authority who may in his discretion either permit him or the member of his family to retain the gift or direct him to return it to the donor or to deliver it to Government.

(4) Nothing in this rule shall be deemed to prevent any Government employee from sitting at the request of any public body, for a portrait, bust or statue.

Note 1.—For the purpose of this rule, the following shall also be included amongst gifts, namely—

(a) habitual use of vehicles or animals belonging to a person who is not his relation or a personal friend;

(b) travelling free of charge, in any public conveyance; and

(c) accepting, free of charge or without making adequate payment, any provisions or supplies or other articles which a Government employee may receive from others.

Note 2.—No sanction shall be accorded in any circumstances to accept gifts of more than trifling value by a Government officer from the subordinates at the time of transfer. There is, however, no objection to accept gifts from the subordinate staff on the eve of retirement subject to the provisions of rule 10 ibid.

*10A. *Dowry.*—No Government employee shall—

(i) give or take or abet the giving or taking of dowry; or

(ii) demand, directly or indirectly from the parents or guardian of a bride or bridegroom, as the case may be, any dowry.

Explanation.—For the purposes of this rule, "dowry" has the same meaning as in the Dowry Prohibition Act, 1961 (28 of 1961).

11. *Public demonstrations in honour of Government employee.*—No Government employee shall, except with the previous sanction of the appointing authority, receive any complimentary or valedictory address or accept any testimonial or attend any meeting or entertainment held in his honour, or in the honour of any other Government employee :

Provided that nothing in this rule shall apply to—

(i) a farewell entertainment in honour of a Government employee or any other Government employee on the occasions of his retirement or transfer ; and

(ii) the acceptance of simple and inexpensive entertainments arranged by public bodies or institutions.

12. *Naming of buildings, roads, bridges, etc.*—No Government employee shall, without the previous sanction of his appointing authority, allow any buildings, roads, bridges, parks or public institutions such as hospitals, schools or colleges to be named after him.

13. *Subscriptions.*—Save, as otherwise provided in this rule, no Government employee shall, except in accordance with such orders of Government as may be issued from time to time in this behalf, ask for or accept contributions to, or otherwise associate himself with, the raising of any fund in pursuance of any object whatsoever.

Note.—See Annexure II for clarification.

14. *Lending and borrowing.*—(1) Subject to the provisions of sub-rules (2) and (3) below, no Government employee shall except with the previous sanction of the appointing authority,—

(a) lend or permit any member of his family to lend—

(i) money (whether with or without interest) to any person possessing land or valuable property or carrying on business or residing within the local limits of his authority ; or

(ii) money at interest to any other person :

Provided that he may make an advance or permit any member of his family to make any advance of pay to a private servant or give a loan or permit any member of his family to make a loan of small amount free of interest to a personal friend or relative, even if such person possesses land or valuable property or carries on business or resides within the local limits of his authority.

(b) save in the ordinary course of business with a bank or a firm of standing, borrow money from or otherwise place himself under a pecuniary obligation to any person residing, possessing land or valuable property or carrying on business within the local limits of his authority or any other person with

whom he is likely to have official dealings; nor shall he permit any member of his family to enter into any such transanction:

Provided that he may accept or permit any member of his family to accept a purely temporary loan of small amount, free of interest, from a personal friend or relation or operate a credit account with a bona fide tradesman.

(2) Sub-rule (1) in so far as it relates to the lending to or borrowing by Government employees from Co-operative Societies as defined in the Bengal Co-operative Societies Act, 1940 (Bengal Act XXI of 1940), shall be subject to any generai or special restrictions or relaxations made or permitted by Government.

(3) When a Government employee is appointed or transferred to a post of such a nature as to involve him in the breach of any of the provisions of any of the aforesaid sub-rules, he shall forthwith report the circumstances to the appointing authority through the usual channel, and shall thereafter act in accordance with such orders as may be passed by him.

15. *Movable, immovable and valuable property.*—(1) No Government employee who is in any way connected in his official capacity with the disposal of any kind of property, movable or immovable, at a sale on account of Government dues or under the order of the Court or otherwise shall either himself or through any "benamdar" acquire or attempt to acquire any interest in the property sold or shall permit any member of his family to do so.

(2) No Government employee shall, except with the previous knowledge of the appointing authority,—

(a) Acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise, either in his own name or in the name of any member of his family nor shall he permit any member of his family to do so.

(b) Enter into any transaction concerning any movable property exceeding one thousand rupees in values, whether by way of purchase, sale or otherwise, nor shall he permit any member of his family to do so:

Provided that, in either case, any such transaction conducted otherwise than through a regular or reputed dealer shall require the previous sanction of the appointing authority.

(c) Allow himself or any member of his family to be a "benamdar" for the acquisition of any kind of person.

(3) Notwithstanding anything contained in these rules, a Government employee who is about to quit the station, district or other local limits for which he has been appointed may, without reference to any authority, dispose of or permit any member of his family to dispose of any of his movable property by circulating a list of it among the public generally or by causing it to be sold by public auction.

(4) Subject to the provisions of any general or special order, every Government employee other than one in Group D (inferior) service, shall submit to the appointing authority, in the form in the Annexure to these rules, a periodic return of the movable and immovable properties and other assets owned, acquired or inherited by him or by any member of his family:

Provided that when a person enters Government service for the first time, he shall, within a period of three months of his joining Government service submit his first return showing his assets as they stood on the 1st January immediately preceding the date of his joining and shall thereafter submit periodic returns like all other Government employees.

State Government decision in this connection the following questions have been raised:

(i) whether a Government employee has to submit return of properties, etc., of all members of the joint family (which may include his cousins, parents, etc., not necessarily dependent upon him);

(ii) whether a Government employee or any member of the joint family (as described above) who may be a 'sebait of any Devottar property' has to submit returns of such property;

(iii) whether a Government employee has to submit returns of any property which he has dedicated or endowed for public use, charity, etc.;

(iv) what it the definition of "Benamdar" mentioned in the Government employees' Conduct Rules and in the 'Instructions for filling up the Declaration' (Annexure to the Rules).

After careful consideration of the points raised, the Governor has been pleased to decide as follows:

(i) a Government employee should submit returns of all the properties standing in his own name, in the name of his wife, his children and dependents;

(ii) if a Government employee or any member of his family derives any benefit from the "Devottar" property it should be mentioned in the returns;

(iii) the property which has been dedicated or endowed for public use need not be shown;

(iv) as to the definition of "Benamdar" it may be observed that "Benami" property and "Benamdar" are well-known terms and as such require no further clarification.

Note 2.—See Annexure II for clarification.

16. *Speculations and investments.*—(1) No Government employee shall speculate either himself or through any "Benamdar" nor shall be permit any member of his family to do so.

Explanation.—The following will be treated as speculation:

(i) the habitual purchase and sale of securities of notoriously fluctuating value and speculative dealings with the stock exchange;

(ii) regular participation in gambling on the turf.

(2) No Government employee shall either himself or through any "Benamdar" make any investment which is likely to influence or embarrass him in the discharge of his official duties nor shall he permit any member of his family to do so.

17. *Private trade or employment.*—(1) No Government employee shall, except with the previous sanction of the Government, engage in any trade or undertake any employment other than his public duties or carry on directly or indirectly any business or undertaking or use his position as a Government employee to help such business or undertaking.

(2) A Government employee may undertake honorary work of a social or charitable nature or work of a literary, artistic or scientific character, provided that his official duties do not suffer thereby but the appointing authority may, in its discretion, at any time, forbid him to undertake, or require him to abandon any such work, if it is in its opinion undesirable or likely to occupy so much of his time as to interfere with his official duties.

Note 1.—Promoting the sale of shares of companies as defined in the Companies' Act, 1956 (I of 1956), or taking up insurance agencies will be regarded as carrying on business for the purpose of sub-rule (1). Canvassing by a Government employee in support of the business of (a) companies as defined in the Companies' Act, 1956 (I of 1956), and (b) an insurance agency, commission agency, etc., owned or managed by his wife or any other member of his family shall also be regarded as a breach of sub-rule (1).

Note 2.—An honorary chairmanship or honorary secretaryship of philanthropic, charitable religious or co-operative societies is not employment within the meaning of this rule. The secretaryship of a club consisting mainly of Government employees does not constitute employment in the sense of this rule, provided that it does not occupy so much of an officer's time as to interfere with his official duties and that it is an honorary office. In all these cases, however, the Government employee concerned may be required by his appointing authority to abandon the work either because the work is interfering with the official duties of the Government employee concerned or because it is undesirable in any other way.

18. *Promotion and management of companies.*—No Government employee shall, except with the previous sanction of Government, take part in the promotion, registration or management of any bank or company as defined in the Banking Companies' Act, 1949 (Act X of 1949), or the Companies Act, 1956 (Act I of 1956).

Note.—A Government employee may take part in the promotion, registration or management of a co-operative society as defined in the Bengal Co-operative Societies Act, 1940 (Bengal Act XXI of 1940), or a literary, scientific or charitable society registered under the Societies Registration Act (XXI of 1860).

19. *Employment in other departments of the State Government or under other Governments.*—(1) A Government employee shall not apply for an appointment in another office or department of Government or under another Government unless the head of such office or department or such other Government has invited applications for the post.

(2) A Government employee must submit his application for such an appointment through his appointing authority who shall decide whether he may be permitted to apply.

(3) *Bar to candidature for direct appointment in cases of eligibility for promotion.*—A Government employee having a lien for a conditional lien on a permanent post, who is eligible for appointment by promotion to any other service or post, shall not, unless otherwise provided in the recruitment rules relating to such other service or post, apply for appointment by direct recruitment thereto:

Provided that where the recruitment is to be made by an open competitive written examination with or without viva voce test may, with the previous permission of his appointing authority, apply for appearing at such competitive examination.

(4) *Appearance at examinations for recruitment to services or posts.*—A Government employee shall not appear at a competitive examination held by a Public Service Commission for recruitment to another post or service without the previous permission of the Government.

20. *Insolvency and habitual indebtedness.*—(1) A Government employee shall so manage his private affairs as to avoid insolvency or habitual indebtedness.

(2) Where a Government employee has been adjudged an insolvent or when a part of the salary of the Government employee is being repeatedly attached or has been continuously under attachment for a period exceeding two years, or is attached for a sum which in ordinary circumstances, cannot be repaid within a period of two years, the matter shall be reported by the immediate superior of the Government employee concerned to the appointing authority of the said Government employee. The report shall show what is the proportion of debts to the salary; how far they detract from the debtor's efficiency as a Government employee; whether the

debtor's position is irretrievable; and whether in the circumstances of the case, it is desirable to retain him in the post occupied by him at the time when the matter was brought to notice or in any other post under Government.

(3) In every case under this rule, the burden of proving that the insolvency or habitual indebtedness is the result of circumstances which, with the exercise of ordinary diligence, the debtor could not have forseen or over which he had no control and has not proceeded from extravagant or dissipated habits, shall be upon the debtor.

21. *Submission of petitions.*—No Government employee shall submit any petition direct to Government or to any higher authority otherwise than through his immediate departmental superior and no Government employee shall send copies of such petitions to outside authorities that is to say, authorities who are not directly connected with the consideration thereof (e.g. Ministers of other departments, Members of Legislature).

Note.—A Government employee, wishing to press a claim or to seek redress of a grievance in any matter connected with the service rights or conditions shall address his immediate official superior or the head of his office or such other authority at the lowest level, as is competent to deal with the matter. An appeal or representation to a higher authority must not be made unless the appropriate lower authority has already rejected the claim or refused relief or ignored or unduly delayed the disposal of the case. When such an appeal or representation is made, it shall be submitted through the proper channel, though an advance copy of the appeal or representation may, at this stage, be sent direct.

22. *Canvassing of non-official or other outside influence.*—No Government employee shall bring or attempt to bring any political or other outside influence to bear upon any superior authority to further his interests in respect of matters partaining to his service under Government.

23. *Unauthorised communication of information.*—No Government employee shall,, except in accordance with any general or special order of Government or in the performance in good faith of the duties assigned to him, communicate directly or indirectly to Government employees belonging to other departments, or to non-official persons, or to the press any document or information which has come into his possession in the course of his public duties, or has been prepared or collected by him whether from official sources or otherwise:

Provided that nothing in this rule shall be deemed to prohibit disclosure of any information or document by a Government employee to the Vigilance Commission, West Bengal, on a bona fide belief that the information will lead to checking corruption or other malpractices or in detecting or punishing delinquents.

24. *Discussion of the policy or action of Government.*— No Government employee shall, in any radio broadcast or in any document published anonymously or in his own name or in the name of any other person or in any communication to the press or in any public utterances, make any statement of fact or opinion—

(i) which has the effect of any adverse criticism of any current or recent policy or action of Government or of the Central Government or the Government of any other State ; or

(ii) which is capable of embarrassing the relations between Government and the Central Government or the Government of any other State ; or

(iii) which is capable of embarrassing the relations between Government and the Government of any foreign State :

Provided that nothing in this rule shall apply to any statements made or views expressed by a Government employee in his official capacity or in the due performance of the duties assigned to him.

25. *Connection with the press or radio.*—(1) No Government employee shall, except with the previous sanction of Government, own wholly or in part, or conduct, or participate in the editing or managing of any newspaper or other periodical publication.

(2) No Government employee shall—

(a) participate in a radio broadcast, except with the previous sanction of Government, or

(b) contribute, without the previous sanction of his appointing authority, any article or write any letter eiher anonymously or in his own name or in the name of any other person to any newspaper or periodical :

Provided that the no such sanction shall be required if such broadcast or such contribution is of a purely literaly, artistic or scientific character and does not contain any matter which a Government employee is forbidden by rule 24 to disclose.

Note 1.—A Government employee who has been asked to deliver a broadcast talk shall while asking for the sanction of Government under sub-rule (2) report the administrative department of Government under which he is employed the subject of his proposed talk, whether it is connected with his official work or not.

Note 2.—If the talk is on a subject directly or indirectly connected with the official work on which he is at present employed or on which he has been employed, he must submit to the administrative department of Government under which he is employed the full text of the talk for examination and the talk shall not be delivered without the previous approval of Government.

26. *Taking part in politics and elections.*—(1) No Government employee shall be a member of or be otherwise associated with, any political party or any organisation which takes part in politics nor shall he take part in, subscribe in aid of, or assist in any other manner, any political movement or activity.

(2) No Government employee shall canvass or otherwise interfere or use his influence in connection with or stand as a candidate or take part in an election to any legislature or local authority :

Provided that—

(i) A Government employee qualified to vote at such election may exercise his right to vote, but where he does so, he shall give no indication of the manner in which he proposes to vote or has voted.

(ii) A Government employee shall not be deemed to have contravened the provision of this rule by reason only that he assists in the conduct of an election in the due performance of a duty imposed on him by or under any law for the time being in force.

Note 1.—The display by a Government employee on his person or vehicle or residence of any electoral symbol shall amount to use his influence in connection with an election within the meaning of this rule.

Note 2. A Government employee who has reason to believe that attempts are being made to induce him to break the provisions of this rule by or on behalf of an official superior or superiors shall report the facts to the Chief Secretary to the Government of West Bengal.

Note 3.—Proposing or seconding the nomination of a candidate at an election or acting as a Polling Agent shall be deemed as an active participation in the election.

Note 4.—If any question arises whether any movement or activity falls within the scope of this rule, the descision of Government thereon shall be final.

27. *Demonstration and strike.*—(1) No Government employee shall make any communication to the press concerning his conditions of service.

(2) Government employees shall not call a public meeting for discussing their conditions of service nor shall any Government employee participate in any such meeting or public discussions.

(3) No Government employee shall—

(i) engage himself or participate in any demonstration which is prejudicial to the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order,

decency or morality, or which involves contempt of court, defamation or incitement to an offence, or

(ii) resort to or in any way abet any form of strike in connection with any matter pertaining to his service or the service of any other Government employee.

28. *Vindication of acts and character of Government employees.*—No Government employee shall, except with the previous sanction of Government, have recourse to any court or to the press for the vindication of any official act which has been the subject matter of adverse criticism or an attack of defamatory character.

Explanation.—Nothing in this rule shall be deemed to prohibit a Government employee from vindicating his private character or any act done by him in his private capacity.

29. *Evidence before Committee or any other authority.*—(1) Save as provided in sub-rule (3), no Government employee shall, except with the previous sanction of the appointing authority give evidence in connection with any inquiry conducted by any person, committee or authority.

(2) Where any sanction has been accorded under sub-rule (1), no Government employee giving such evidence shall criticize the policy or any action of Government or of the Central Government or the Government of any other State.

(3) Nothing in this rule shall apply to—

(a) evidence given at an inquiry before an authority appointed by Government, by Parliament or by a State Legislature ; or

(b) evidence given in any judicial inquiry ; or

(c) evidence given at any departmental inquiry ordered by authorities subordinate to Government.

30. *Bigamous marriages.*—No Government employee, who has a wife living, shall contract another marriage without first obtaining the permission of the appointing authority, notwithstanding that such subsequent marriage is permissible under the personal law for the time being applicable to him.

31. *Joining of Associations by Government employees.*—No Government employee shall join or continue to be a member of an Association the objects or activities of which are prejudicial to the interest of the sovereignty of India or public order or morality.

32. *Acceptance of employment during leave.*—A Government employee on leave may not take any service or accept any employment without the prior sanction of—

(a) the Governor, if the proposed service or employment lies elsewhere than in 'India, ; and

(b) his appointing authority, if the proposed service or employment lies in India :

Provided that a Government employee who has been granted permission to take any service or accept any employment under this rule during any leave preparatory to retirement, shall be precluded, save with the specific consent of the Governor, or the appointing authority, as the case may be, from withdrawing his request for permission to retire and from returning to duty.

Note.—This rule shall not be construed as permitting a Government employee who avails himself of leave on medical grounds to undertake regular employment during such leave.

33. *Control of Government employees outside India.*—Government employees visiting foreign countries whether on official duty or private affairs, continue to be subject to all the provisions of the West Bengal Government Employees' Conduct Rules, 1959. They shall not therefore give expression to views on India or foreign affairs in a manner contrary to these rules and in particular make any written or oral statement in the press, on the platform or over the radio without the specific prior consent of the Head of the Indian Mission accredited to the country visited.

34. *Interpretation.*—If any question arises relating to the interpretation of these rules it shall be referred to Government whose decision thereon shall be final.

35. *Repeal and saving.*—Any rules corresponding to these rules in force immediately before the commencement of these rules and applicable to Government employees to whom these rules apply are hereby repealed:

Provided that in respect of anything done, any act committed or any omission made by any Government employee before the commencement of these rules, the rules regulating the conduct of Government employees which were in force when the thing was done, the act was committed or the omission was made, shall be deemed to continue and to have always continued to apply.

By order of the Governor,
H. N. RAY,
Secretary to the Government of West Bengal.

ANNEXURE I

[See Rule 15(4)]

Declaration of Assets as they stood on.....

Name (in full) of Officer ..... Service .....

Designation ..... now appointed as .....

Substantive Pay .....

Special Pay .....

INSTRUCTIONS FOR FILLING UP THE DECLARATION

1. (a) Every Government employee employed under the administrative control of the Government of West Bengal, other than a person in inferior service, shall submit to the proper authority an annual return of the movable and immovable properties owned, acquired or inherited by him, or his wife or dependants or held on lease or mortgage either in his own name or in the name of any member of his family or of any other person. These orders will not apply to member of the All-India Services who are governed by sub-rule 1 of Rule 16 of the All-India Service (Conduct) Rules, 1968.

(b) This Declaration of Assets must always refer to the 1st January of the current year. Any asset acquired between the 1st January and the date of declaration should not ordinarily be entered in the declaration. But in case of doubt regarding the exact date of the assets in question may be entered for the current year but should be repeated in the declaration of the next year too. It is best to submit the Declaration of Assets as soon after New Year's Day as possible.

(c) A person who has entered Government Service for the first time should submit the return within three months of his joining Government Service and it should relate to his assets as they stood on the 1st of January immediately preceding his date of joining.

2. If there is no change of assets on the 1st January of the previous year the declaration should never be nil. There should be a fresh Declaration of Assets in full as on the 1st January of every year.

3. The Declartion of Assets must show the assets belonging to the Government employee even though they may stand in the name of his wife (in the case of a male Government employee), children, other dependants or benamdars, and must also show the assets belonging to the wife of a male Government employee or to his dependants even though they are acquired by the wife or dependants in their own right.

N.B.—If any difficulty arises regarding the declaration of assets of a Government employee's wife (in the case of a male Government employee) or dependants, the matter should be reported to Government with full particulars and furher instructions sought.

4. Any officer making a declaration discovered to be materially incomplete, misleading or false will earn for himself the penalty of immediate suspension, drawing up of proceedings, which may ultimately result in dismissal from Government Service with forfeiture of pension and all other discretionary benefits. A subsequent explanation that the failure strictly to comply with the instructions or the presence of material defects in the declaration were by oversight or ignorance will not be accepted. Ambiguity in a declaration must be avoided as any ambiguity will be liable to be interpreted against him.

5. In declaring shares and stocks and other securities, jewellery, motor cars, motor cycles, refrigerators, other valuable movable articles and immovable property, the actual price paid by an officer must be mentioned, whatever the face value or depreciation might be. Movable articles costing less than Rs. 500 for each item need not be mentioned. In columns 8 of Part A(1), 6 of Parts A(2) and A(3), and 5 of Parts B(1) and B(2) of the form of Declaration of Assets, the manner of acquisition of the property must be clearly and unambiguously given, i.e., whether the property was acquired by means of savings from the Government employee's salary or from income from any other source, or by loan in cash or kind, or by inheritance or by any other means to be specified. If an immovable or movable property is in the process of acquisition, for example, a piece of landed property which is being purchased in instalments or under one of the various mortgage schemes, or a car or a refrigerator or other pieces of furniture or jewellery are being paid for under a hire-purchase scheme in instalments or are mortgaged while being acquired, the full particulars of such properties should be given even though the title to the property may not yet have devolved upon the Government employee making the declaration. It is incumbent upon the declarant in such cases to state the amount paid up to the relevant date for the purchase of the particular property.

6. In declaring Insurance Policies, the number of policy or policies, the amount of Insurance, the name and address of the Company, the number of years during which premia have to be paid must be mentioned. Fully or partly paid-up Policies, Single or Limited Payment Policies must be described as such. Any omission in this respect will be liable to be interpreted as an attempt to conceal real assets. The names and addresses of the Banks of the declarant and his dependants together with the nature and number of the accounts should be given.

7. Every declaration must be made in the prescribed printed form and the prescribed declaration at the foot of every page must be signed.

8. If in the declaration it is not possible to give a correct statement of every assets as it stood exactly on the 1st January, the statement should be correct to the nearest date and that date should be mentioned. (Sometimes it is difficult to get a precise statement of Bank-Accounts, for example, as they stood on the 1st January.)

9. A Government employee whose service is placed temporarily at the disposal of the Central or any other State Government or any other authority should be required to submit the Declaration of Assets to the Government of West Bengal.

10. The categories of assets mentioned in brackets in the printed declaration form are merely illustrative and not meant to be exhaustive.

11. In declaring precise location in column 2 of Schedule A—Immovable Property—(1) Lands, (2) Houses, record correct and full address including the number of municipal holding with street and lane in municipal areas and C.S. Plot numbers, C.S. Mouza number, village, union, thana, subdivision and district in rural areas.

12. In column 6 of A1 and column 4 of A2, please state the full value of the land and the house. If the value has not yet been determined please state how much has generally been paid. In case of a building, state the actual amount of money that has been spent up to 1st January or as near that date as possible even if the construction may be incomplete or just started. In the case of land, please state the amount of loan, if any taken in cash, and in the case of house the amount of such loan in cash or kind including the value of materials purchased on credit.

*13. The last date of submission of this Declaration of Assets is the 30th April every year for assets as they stood on the previous 1st January of that year. Gazetted Officers will submit these declarations by registered post at Government expense in double sealed covers direct to their appointing authorities/Secretaries in charge of the administrative department concerned. The outer sealed cover will be addressed to the appointing authorities/Secretaries in charge of administrative department concerned and should not contain any indication of the contents. The inner sealed cover should contain the name of the officer, his service, rank and address and a certificate of the date for which the declaration stands (in the form: Declaration of Assets as they stood on 1st January, 19). On receipt of the declarations the appointing authorities subordinate to Government should send them to the Secretary of the administrative department concerned who will maintain the declarations under his custody. Non-gazetted officers will submit their declarations in sealed cover to their respective heads of offices for safe custody, the above instructions being followed mutatis mutandis. Government employees are not required to supply more than one copy of the return, and instructions for submission of returns in duplicate, triplicate, etc., are unauthorised.

A—Immovable Property

(*1*) *Lands*

Serial No.	Precise location	Area	Nature of land	Extent of interest	Value	In whose name (wife, child, dependent, other relation or *benamdar*) the asset is	Date and manner of acquisition	Remarks
1	2	3	4	5	6	7	8	9

(*2*) *Houses*

Serial No.	Precise location	Extent of interest	Value	In whose name (wife, child, dependent, other relation or *benamdar*) the asset is	Date and manner of acquisition	Remarks
1	2	3	4	5	6	7

Signature of Declarant.....

(3) *Immovable Properties of Other Description*

(Including mortgages and such other rights)

Serial No.	Brief description	Extent of interest	value	In whose name (wife, child, dependent, other relation or *benamdar*) the asset is	Date and manner of acquisition	Remarks
1	2	3	4	5	6	7

B—Movable Property

(1) *Cash, Bank Balance, Credit, Insurance Policies, Shares, Debentures, etc.*

Serial No.	Description of item	Value	In whose name (wife, child, dependent, other relation or *benamdar*) the asset is	In the case of loan the name of the person from whom the loan was taken and the relationship of the loanee with that person[1]	Date and manner of acquisition	Remarks
1	2	3	4	4A	5	6

Signature of Declarant.....

(2) *Other Movables*

(Including jewellery and other valuables, motor vehicles, refrigerators and other articles or materials of Rs. 500 and over for each item)

Serial No.	Description of item	Value	In whose name (wife, child, dependent, other relation or *benamdar*) the asset is	Date and manner of acquisition	Remarks
1	2	3	4	5	6

I hereby declare that the Declaration made above is complete, true and correct to the best of my knowledge and belief.

Date .....*Signature of Declarant* .....

ANNEXURE II

(Rule 13)

Questions have been raised about the propriety of the reported raising of subscriptions by some officers of the Government in connection with the Rabindra Centenary Celebrations. For avoiding any doubt, the following policy is laid down for the guidance of all concerned :

The raising of subscription by Government officers, unless carefully controlled, is open to the risk that the giving of a subscription may be expected to result in favour or its refusal in disfavour on the part of the officer in deciding administrative matters that ought to be decided on merits, for valid reasons and without suspicion of caprice.

It has, therefore, been decided that while the officers of Food and Supplies Branch of the Food, and Supplies Department or the Police Department should be totally prohibited from associating themselves from realisation of subscriptions of any manner, other Government officers may be permitted to raise subscriptions subject to the following conditions :

(a) Subject to the advice and control of the Distict Magistrates and to any special instruction to Judicial Officers that may be passed by the High Court, Officers may initiate or support movements for raising of subscriptions to deserving public objects and may also make personal appeals, but it should be ensured that such appeals would not be misconstrued and are appropriate to the status of the individual officers. Utmost care should be taken to ensure that nothing is said which could be taken as implying that the response would influence the officer one way or the other in the exercise of his public duties.

(b) No officer should initiate or support a movement for raising of subscriptions except with the sanction of the senior officer of his department in the district. It will be a condition of such sanction that strict accounts will be kept and shall be open to inspection by members of a reputed non-official committee to be associated with the appeal.

(c) The officer who initiates or supports such action should personally select and nominate only such of his subordinates whose zeal for the cause or for personal credit is not likely to overrun their discretion or obscure their judgement as to what is and is not improper pressure.

(d) No officer may make the payment whether directly to himself or indirectly through any person of a subscription to any object, a condition of his exercising or failure to exercise his powers in a particular manner.

(e) Every officer is absolutely prohibited not only from asking for but even from accepting subscriptions at the time of performing any kind of official act, such as the grant or renewal of any kind of licence (e.g. for arms, motor vehicles, poison, cinema, etc.), the issue of permits of any kind, the allotment of contracts, withdrawing of prosecutions or the compounding of criminal case, etc.

(f) No subscription box should be placed in any public office.

(Rule 15)

The phrase "dispose of any immovable property by lease" in Rule 15 of the West Bengal Government Employees' Conduct Rules, 1959, includes letting out a house, whether in whole or part, to a person on a monthly rent. A lease of immovable property is a transfer of a right to enjoy certain property made for a certain time, express or implied or in perpetuity, in consideration of money to be rendered periodically to the transferor by the transferee. The transferor is called the lessor, the transferee is called the lessee and the money to be so rendered is called the rent.[2]

The 20th May 1970 A. BHATTACHARYYA,

The 20th May 1970 A. K. DE,
Superintendent and Remembrancer of Legal Affairs.

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[1]F. D. Memo. No. 1156 (175)F., dated 15th April 1961.

[2]F. D. Memo. No. 2122F., dated 30th June 1970.

** APPENDIX No. 6A

1. **Short title, application and commencement**—(1) These rules may be called the West Bengal Services (Duties, Rights and Obligations of the Government employees) Rules, 1980.

(2) They shall apply to all employees or the Government of West Bengal:

Provided that nothing in these rules shall apply to persons appointed to any All India Service and members of the Police, and Jail Staff falling under the purview of the Jail Code.

(3) They shall be deemed to have come into force with effect from the 1st day of June, 1980.

2. **Definitions**—In these rules, unless there is anything contrary to the context,—

(a) "appointing authority" in relation to a Government employee, means the authority empowered to make appointment to the service or post held by him for the time being;

(b) "Government" means the Government of West Bengal;

(c) "Government employee" means a person appointed to a service or post in connection with the affairs of the State;

(d) "member of the family", in relation to a Government employee, means the wife or husband, as the case may be, and the child or the step-child of the Government employee;

(e) "public servant" has the same meaning as in the Indian Penal Code (45 of 1860);

(f) "State" means the State of West Bengal;

(g) "strike" means strike as defined in clause (q) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947).

3. **Duties**—The following shall be the duties of a Government employee :—

(1) every Government employee shall bear in mind that he is a public servant; he shall faithfully discharge his duties, shall always behave courteously with the members of the public or colleagues with whom he has to come in contact in the discharge of his duties as a public servant and shall always try to help them in all possible ways through quick and faithful discharge of the duties assigned to him;

(2) every Government employee shall in the discharge of his duties rise above all personal, political and other considerations and maintain integrity, impartiality and devotion to duty;

(3) every Government employee shall, notwithstanding his personal views on any matter relating to State Policy and programme, carry out faithfully the duties and responsibilities entrusted to him as a public servant;

(4) every Government employee shall practise, promote and encourage collective functioning in the interest of the administrative efficiency and apply his personal initiative to the efficient discharge of his duties;

(5) when in the discharge of his duties a Government employee is called upon to decide a matter in which he or a relation of his financially or otherwise interested, every such Government employee shall, at the earliest opportunity, bring this fact in writing to the notice of the authority to whom he is subordinate;

(6) every Government employee (other than a Group D employee) shall, once in every year, submit in the prescribed form to the appointing authority a return of movable and immovable property and other assets owned, acquired or inherited by him or any member of his family.

4. **Rights**—The following shall be the rights of Government employee :—

(1) every Government employee shall have the right to form Associations| Unions|Federative bodies of the employees;

(2) every Government employee shall have full trade union rights including the right to strike. The right to strike shall, however, be subject to compliance with the provisions laid down in Appendix;

Note.—The right to strike shall not, however, be available to the members of the W.B.C.S. (Executive and Judicial) and other allied executive, administrative, medical, engineering and educational services;

(3) every Government employee shall enjoy full democratic rights except being a member of any political party.

Explanation.—These rights do not however include any which is prohibited under the law of the land.

(4) any Government employee may, with prior intimation to the authority and subject to the conditions laid down in clause (7) of rule 6 of these rules, participate in a radio or television programme:

Provided that nothing should be said in such programme which—

(a) incites communal and|or parochial feelings;

(b) goes against the unity and integrity of the country;

(5) any Government employee may contribute any literary or scientific writing or write any letter to any newspaper or periodical, subject to the provisions laid down in clause (4).

5. **Obligations**—Every Government employee shall have the following obligations :—

(1) no Government employee shall commit any misconduct as laid down in section 5 of the Prevention of Corruption Act, 1947 (2 of 1947) or take any gratification other than the legal remuneration or obtain valuable things without consideration or for consideration which he knows to be inadequate, from persons concerned in proceedings or business transacted by such Government employee as detailed in section 161 and section 165 of the Indian Penal Code (45 of 1960);

(2) no Government employee shall, except with prior sanction of the appointing authority, acquire or dispose of any immovable property by lease, mortagage, sale, gift or otherwise either in his own name or in the name of any member of his family where such transaction is conducted otherwise than through a regular or reputed dealer. The same condition shall apply in the case of sale or purchase of movable property exceeding rupees 5,000 in value.

Note.—The movable or immovable properties owned by the members of the family of the Government employee which are either acquired by them from out of their own funds or inherited by them will not come under the provisions of this clause or clause (6) of rule 3 of these rules;

(3) no Government employee shall lend money to, or obtain loan from, any member of the public, business house or a trader with whom he has to deal in his official capacity directly or indirectly;

Note.—A co-operative society shall not, however come within the purview of this clause;

(4) no Government employee who has a wife|husband living shall contract another marriage without obtaining previously the dissolution of the first marriage in accordance with any law for the time being in force notwithstanding such second marriage is permissible under any personal law of the community to which he or she belongs;

(5) no Government employee shall employ or engage any subordinate for any private, domestic or personal service or for any purpose other than official business;

(6) no Government employee shall use or permit any other person to use a Government vehicle or a safe or any other Government property for any purpose other than official business;

(7) no Government employee shall except in accordance with any general or special orders of the Government communicate directly or indirectly to officials not concerned or non-official person or to the press any secret document or information that may come to his knowledge in course of his public duties;

(8) no Government employee shall—

(a) violate any law relating to intoxicating drinks or drugs;

(b) consume or be under the influence of any intoxicating drink or drug during the course of his duty and|or in any public place;

(9) no Government employee shall, without the previous sanction of the appointing authority, accept either directly or indirectly on his own behalf or on behalf of any other person any gift of more than trifling value;

Note.—Gifts in conformity with religious or social customs shall not come within the purview of this clause;

(10) no Government employee shall, while on leave, accept any service or employment;

(11) no Government employee shall, except with the previous sanction of the Government, engaged in any trade or undertake any employment other than his public duties or carry on directly or indirectly any business or undertaking excepting in the case of honorary work of social and charitable nature or co-operative societies.

6. **Submission of petitions and memorials**—(1) Any Government employee or a group of employees desiring to place a claim or seeking redress of his or their grievance in any matter connected with the service condition shall ordinarily address the authority at the lowest level competent to deal with the matter or the authories superior to the officer against whose order or action redress is being sought for. If the employee or the group of employees does not receive within a fortnight any intimation of the action taken or of the redress given by the said authority, or is not satisfied with the action taken or the redress given by the said authority, the employee or the group of employees may directly address higher authorities, including the Minister, seeking interview or intervention.

(2) Any Government employee desring to apply for any other post shall apply through his appointing authority who shall, unless there is any disciplinary proceeding pending against the Government employee, forward the application to the addressee.

A Government employee may, if necessary, send an advance copy of an application direct to the addressee.

7. **Interpretation**—If any question arises relating to the interpretation of these rules, it shall be referred to the Government whose decision thereon shall be final.

7A. **Rules not to be in derogation of the West Bengal Government Servants' Conduct Rules, 1959**—Nothing in these rules shall be construed to be in derogation of the provisions of the West Bengal Government Servants' Conduct Rules, 1959.

8. **Repeal and savings**—(1) Subject to the provisions of rule 7A, as from the coming into force of these rules, the West Bengal Government Servants' Conduct Rules, 1959, shall, in relation to the Government employees to whom these rules apply, stand repealed.

(2) Notwithstanding such repeal, anything done or any act committed or any omission made by any Government employee before the coming into force of these rules, the rules which were in force when such thing was done or such act was committed or such omission was made, shall be deemed to continue and to have always continued to apply.

9. Any violation or infringment of these rules shall be deemed to be a good and sufficient reason within the meaning of rule 8 of the West Bengal Services (Classification, Control and Appeal) Rules, 1971, for imposing penalities.

APPENDIX I

Procedure to be followed before going on strike

1. No employee shall go on strike without—

(i) completing the process of conciliation or negotiation in the manner laid down hereunder ; and

(ii) giving notice of at least 14 days to the appropriate authority and the strike shall not commence before expiry of the period of notice. For public utility services (as detailed below) the period of notice shall be thirty days.

Note.—The following services shall be included in the category of public utility services :

(1) All services directly connected with the running of hospitals.

(2) Fire Brigade—operational services.

(3) Drinking Water Supply—operationl services.

(4) Milk Supply—operational services.

(5) Ration Shops of the Food and Supplies Department.

(iii) Matters over which Government employees can go on strike should relate to conditions of service and work, welfare of the employees and improvement of efficiency and standard of work.

2. The following shall be the process of negotiation or conciliation :—

(a) There shall be a State Negotiating Body under the State Government. The body shall be headed by a Senior Officer of the Government of the rank of Secretary of a department and shall consist of four other members not below the rank of Joint Secretary of a Department. The body shall function under the direct control and supervision of the Chief Secretary.

(b) The Body shall have a separate establishment of its own and shall be entrusted with the task of holding negotiation with Associations|Unions|Federative Bodies on the grievances of the employees both of general nature or of departmental or sectional character.

(c) The Unions|Associations|Federative Bodies after exhaustion of negotiation with the appropriate departmental or Ministerial level shall place their points of grievances to this Negotiating Body in writing on receipt of which the Negotiating Body shall call the aggrieved party and may also call the authorities concerned for negotiation and settlement of the grievances. The Negotiating Body shall not take more than 30 days except with mutual agreement of the Body and the aggrieved party to complete the negotiation. It shall be the responsibility of the Negotiating Body to make its recommendation to the appropriate authority and settle the grievances within the period of 30 days.

3. If the negotiation falls and no settlement of the grievances is reached within the stipulated period noted above, the Federative Bodies|Unions|Associations may serve a strike notice to the Appropriate Authorities under intimation to this Body mentioning the points of grievances.

4. On receipt of the strike notice the Negotiating Body may take further initiative to resolve the dispute and make all efforts to that effect by arranging discussion between the aggrieved party and the authorities concerned. In case of failure of such discussion the aggrieved party shall have the right to give effect to the strike notice.

5. When a strike, which commences after the procedure laid down hereinbefore has been complied with continues for more than a reasonable period, the Appropriate Authority may refer the disputes|grievances to a Board of Arbitrators, the composition of which may be by agreement between the parties. If, however, there is no agreement between the|amongst the parties regarding the composition of the Board of Arbitrators, such a Board of Arbitrators shall be nominated by the Government which shall consist of not more than three members, majority of whom shall be other than Government employees.

6. The Board of Arbitrators shall here all the parties to the dispute and give its award within a period of one month.

7. After the grievances|disputes leading to the commencement of a strike are referred by the Appropriate Authority to a Board of Arbitrators, the Government by an order may prohibit continuance of the strike.

APPENDIX No. 7

Rules prescribing Leave Procedure

(Rule 221)

Note.—The rules of this Appendix are numbered throughout in parenthesis, e.g., "rule (15)," References to rules without the parenthesis in this Appendix are, unless the contrary is expressly stated, references to the Service Rules, West Bengal.

I—General

(1) [Omitted].

**(2) (a) [Omitted].

**(b) [Omitted].

(c) in the case of Government employees to whom leave rules in Section II of Chapter XV apply, a leave account shall be kept in the form prescribed in Schedule II to these rules :

Provided that in the case of special disability leave granted under rule 195, only half the amount of earned leave under clause (b) of sub-rule (7) of that rule shall be counted as 'earned leave' taken and entered in the Service records.

Note 1.—The form appended in Schedule II of these rules shall, in the case of each Government employee be attached to his Service book ;

**(3) (a) The leave account of a Group A Government employee shall be maintained by the head of the office in which he is employed.

(b) The leave account of a Group B, C and D Government employee shall be maintained by the head of the office in which he is employed.

**(4) Every application for leave or for an extension of leave shall be sent to an authority competent to sanction the leave through the intermediate superior, if any, of the Government employee applying for leave. In the case of Group-A Government employee, the application should be sent through the head of office. The application of a Government employee in foreign employ shall be sent through the Audit Officer who accounts for the contribution recovered from the foreign employer.

**(5) Fractions of a day should not appear in the leave account, fractions below ½ should be ignored, and those of ½ or more should be reckoned as one day.

*(6) A separate account should be kept of the leave earned by a Government employee serving under a Government and then transferred to another Government and all leave taken after the date of transfer should be debited to this account so long as the balance under it is not exhausted, and the allowances drawn during all leave, which is so debited, should be charged to that Government.

*(7) Medical Officers must not recommend the grant of leave in any case in which there appears to be no reasonable prospect that the Government employee concerned will ever be fit to resume his duties. In such cases, the opinion that the Government employee is permanently unfit for Government service should be recorded in the medical certificate.

*(8) Every certificate of a medical committee or a medical officer recommending the grant of leave to a Government employee must contain a proviso that no recommendation contained in it shall be evidence of a claim to any leave not admissible to the Government employee under the terms of his contract or of the rules to which he is subject.

**(9) Before a Group A Government employee can be granted leave or an extension of leave on medical certificate, he must obtain a certificate accompanied by a Statement of his case in the following form :—

Name (to be filled in by the applicant in the presence of the Medical Officer of Health) ..

Appointment ..

Age ..

Total Service ..

Previous period of leave of absence on medical certificate ..

Habits ..

Disease ..

I,————————Medical Officer at ————————, after careful personal examination of the case hereby certify that————————is in a bad state of health, and I solemnly and sincerely declare that according to best of my judgement a period of absence from duty is essentially necessary for the recovery of his health and recommend that he may be granted——— months' leave with effect from————————————

Medical Officer of Health

Dated, the

Note 1.—This form should be adhered to as closely as possible and should be filled in after the signature of the applicant has been taken. The certifying officer is not at liberty to certify that the applicant requires a change from or to a particular locality, or that he is not fit to proceed to a particular locality. Such certificate should only be given at the explicit desire of the administrative authority concerned to whom it is open to decide, when an application on such grounds has been made to him, whether the applicant should go before a Medical Board to decide the question of his fitness for service.

*(10) Having secured such a certificate, the Government employee must, except in cases covered by rule (13), obtain the permission of the head of his office or, if he himself is the head of an office, of the head of his department to appear before a Medical Committee. He should then present himself with two copies of the statement of his case before such a committee.

The committee will be assembled under the orders of the administrative medical officer of the State who will, where practicable, preside over it. The committee will be assembled either at the headquarters of the State or as such other place as Government may appoint.

*(11) Before the required leave or extension of leave can be granted, the Government employee must obtain from the committee a certificate to the following effect :—

> We do hereby certify that, according to the best of our professional judgement, after careful personal examination of the case, we consider the health of C.D. to be such as to render leave of absence for a period of months absolutely necessary for his recovery.

(12) Before deciding whether to grant or refuse the certificate the committee may in a doubtful case, detain the applicant under professional observation for a period not exceeding fourteen days. In that case it should grant to him a certificate to the following effect :—

> C.D. having applied to us for a medical certificate recommending the grant to him of leave, we consider it expedient, before granting or refusing such a certificate, to detain C.D under professional observation for days.

*(13) (1) If the state of the applicant's health is certified by a commissioned medical officer of Government or by a medical officer in charge of a civil station to be such as to make it inconvenient for him to present himself at any place in which a committee can be assembled, the authority competent to grant the leave may accept, in lieu of the certificate prescribed in rule (11) either—

(a) a certificate signed by any two medical officers, being commissioned medical officers or medical officers in charge of civil station, in whatsoever State they may be serving; or

(b) if the authority considers it unnecessary to require the production of two medical opinions, a certificate signed by an officer in medical charge of a civil station and countersigned by the Collector of the district or the Commissioner of the Division.

(2) Notwithstanding anything contained in sub-rule (1), the authority competent to sanction leave may, when the leave recommended by the authorised medical attendant or the Medical Superintendent of the hospital in which the applicant is undergoing treatment is for a period not exceeding one month, dispense with the procedure laid down in rules (10) and (11) and grant leave on the recommendation of such Medical Officer provided that such Medical Officer certifies that in his opinion it is unnecessary for the applicant to appear before a medical committee.

*(14) The grant of a certificate under rules (11), (13) or (17) does not in itself confer upon the Government employee concerned any right to leave. The certificate should be forwarded to the authority competent to grant the leave and the order of the authority should be awaited.

**(15) Every application for leave on medical certificate made by a Group B, Group C or Group D Government employee shall be accompanied by a medical certificate given by a registered medical practitioner defining as clearly as possible the nature and probable duration of the illness, or by a request for the issue of a requisition for examination by a medical officer of Government.

(16) The authority competent to sanction leave may, at his discretion, secure a second medical opinion by requesting the Presidency Surgeon or the District Medical Officer of Health to have the applicant medically examined. Should he decide to do so, he must arrange for the second examination to be made on the earliest possible date after the date on which the first medical opinion was given.

(17) It will be the duty of the Presidency Surgeon or the District Medical Officer of Health to express an opinion both as regards the facts of the illness and as regards the necessity for the amount of leave recommended and for this purpose he may either require the applicant for leave to appear before himself or require the applicant for leave to appear before a medical officer nominated by himself.

*(18) The following form of medical certificate is prescribed for Group B, Group C or Group D employee recommended for leave or extension or commutation of leave :—

(Signature* of applicant)

I. ..... after careful personal examination of the case hereby certify that ..... whose signature given above, is suffering from ..... and I consider that a period of absence from duty of ..... is absolutely necessary for the restoration of his health.

Dated,

The

Government Medical Officer or
Registered Medical Practitioner.

Note 1.—The nature and probable duration of the illness, should be specified, vide rule (15).

Note 2.—This form should be adhered to as closely as possible, and should be filled in after the signature of the applicant has been taken. The certifying officer is not at liberty to certify that the applicant requires a change to (or from) a particular locality, or that he is not fit to proceed to a particular locality. Such certificate should only be given at the explicit desire of the administrative authority concerned, to whom it is open to decide, when an application on such grounds has been made to him, whether the applicant should go before a Medical Board to decide the question of his fitness for service.

(19) The medical certificate of fitness required by rule 159 shall be as prescribed below :—

(a) if the leave is taken outside India,

"We certify that we have carefully examined A.B. of the, Service and find that he is in good health and fit to return to his duty in India. We also certify that before arriving at this decision, we have examined the original medical certificate(s) and statement(s) of the case (or certified copies thereof) on which the leave was granted or extended, and have taken these into consideration in arriving at our decision."

**In the case of a Group A employee in India, such certificate shall be obtained from a Medical Committee except—

(i) in cases in which the leave is for not more than three months, or

(ii) in cases in which the leave is for more than three months or leave for three months or less is extended beyond three months, but the Medical Committee granting the original certificate or the certificate for extension state, at the time of granting such certificate, that the Government employee need not appear before another Medical Committee for obtaining the certificate of fitness.

Note 1.—A certificate signed by one or two medical officers obtaining under rule (13) shall be deemed equivalent for the purpose of this rule to a certificate obtained from a Medical Committee.

(20) The original medical certificate(s) and statement(s) of the case (or certified copies thereof) on which the leave was originally granted or extended shall be produced before the authorities asked to issue the certificates prescribed in rule (19).

**(21) In support of an application for leave, or for an extension of leave, on medical certificate from Group D employees, the authority competent to grant the leave may accept such certificate as he may deem sufficient.

III—Grant of leave

(22) In cases where all applications for leave cannot, in the interests of the public service, be granted, an authority competent to grant leave should in deciding which application should be granted. take into account the following considerations :—

(a) The Government employees who can, for the time being, best be spared.

(b) The amount of leave due to the various applicants.

(c) The amount and character of the service rendered by each applicant since he last returned from leave.

(d) The fact that any such applicant was compulsorily recalled from his last leave.

(e) The fact that any such applicant has been refused leave in the public interests.

Note.—Grant of leave on private affairs to the men of the Military Police is subject to the condition that the number absent on leave on half average salary, whether on medical certificate or not, does not exceed 5 per cent. of the Battalion from 15th October to 15th April, and 10 per cent. from 16th April to 14th October.

*(23) When a medical committee in India has reported that there is no reasonable prospect that a particular Government employee will ever be fit to return to duty, leave may only be granted by Government and on the following conditions :—

(a) If the medical committee is unable to say with certainty that the Government employee will never be fit for service again, leave not exceeding twelve months in all may be granted. Such leave may not be extended without a further reference to a medical committee.

(b) If the medical committee declares that Government employee to be completely and permanently incapacitated for further service, the Government employee should, except as provided in clause (c) below, be invalided from the service either on the expiration of the leave already granted to him, if he is on leave when examined by the committee, or, if he is not on leave, from the date of the committee's report.

(c) A Government employee declared by a committee to be completely and permanently incapacitated may, in special cases, be granted leave, or an extension of leave, not exceeding six months as debited against the leave account, if such leave be due to him. Special circumstances justifying such treatment may be held to exist when the Government employee's breakdown in health has been caused in and by Government service, or when he Government employee has taken a comparatively small amount of leave during his service or will complete at an early date an additional year's service for pension.

Note 1.—A report from a single Medical Officer shall be accepted for purposes of leave under this rule in cases where such a certificate is deemed sufficient for granting invalid pensions.

(24) Leave should not be granted to a Government employee who ought at once to be dismissed or removed from Government service for misconduct or general incapacity.

(25) If, in a case not covered by rule (24) an authority competent to remove a Government employee from service decides, before such Government employee departs from India on leave, that he will not be permitted to return to duty in India, the authority shall inform him to that effect before he leaves India.

(26) If, when a Government employee is about to depart from India, on leave it is necessary to consider the propriety of removing him for incapacity, whether mental or physical, which is of such a nature that it is impossible to decide, before he leaves India, whether it will be permanent or temporary or if for any reason it is considered inexpedient that a Government employee on leave should return to India, a full report of the circumstances shall be made by Government to the High Commissioner in time to enable him to take any necessary measures before the Government employee would in the ordinary course be permitted to return to duty. The report should, in any case, reach the office of the High Commissioner at the latest three months before the end of the Government employee's leave.

(27) The abolition of the substantive post of a Government employee absent on leave out of Asia should be immediately communicated to the High Commissioner.

(28) When leave on medical certificate has been granted to a Government employee, if such Government employee proposes to spend his leave in Europe, North Africa, America or the West Indies, Government shall without delay forward a copy of the Medical statement of the case to the High Commissioner for India.

(29) When a Government employee who has been granted leave for reasons of health proceeds to any of the localities named in rule (28), the authority which granted the leave shall inform the High Commissioner for India whether a certificate of fitness is required under rule 159.

(30) Every Government employee proceeding on leave out of Asia should procure from the Head of Office and take with him a copy of the memorandum of information issued for the guidance of Government employees proceeding on leave out of Asia. If the leave has been granted on medical certificate, he must take a copy of the medical statement of his case also.

(31) A Government employee taking leave out of India must, if so required by the Head of Office report his embarkation, through that Officer, to the authority which granted his leave in such form as the Government may prescribe.

**(32) A Group A employee, on return from leave, must report his return to Government or Head of Office.

(33) On return from leave exceeding two months a Group "A" employee must obtain orders as to his posting. On return from leave not exceeding two months, a gazetted Government employee may resume the post which he held before going on leave unless he receives orders to the contrary.

Note.—Authorities empowered to grant leave may when they sanction leave, permit group "A" employees to return from leave exceeding two months to resume the post which they held before going on leave.

(34) Unless specially otherwise ordered, leave must begin within 35 days of the date on which it is granted.

(35) Omitted.

IV—Records of Service

*(36) Omitted.

*(37) A service book in such form as the Auditor-General may prescribe must be maintained for every whole time Government employee other than those employed casually on daily wage basis.

*(38) The service book shall be maintained in duplicate for each Government employee from the date of his first appointment to Government service. One copy shall be kept in the custody of the Head of the Office in which such Government employee is serving and transferred with him from office to office. In the case of the officers of the West Bengal Civil Service (Executive) and the West Bengal Police Service, the service records shall, however, be maintained centrally by the Home (Personnel and Administrative Reforms) Department. The other copy will be kept with the Government employee.

*(39) Every step in the Government employee's official life must be recorded in his service book, and each entry must be attested by the head of his office or, if he himself is the head of the office, by his immediate superior. The head of the office must see that all entries are duly made and attested and that the book contains no erasure or over-writing, all corrections being made and properly attested.

At a fixed time early in the year the service books should be taken up for verification by the head of the office or other officer as may be specially authorised by Government in this behalf who, after satisfying himself that the services of the Government employee concerned are correctly recorded in each service book, should record in it a certificate in the following form over his signature :

"Service verified up to (date) from (the records from which the verification is made)".

The officer in recording the annual certificate of verification should, in the case of any portion of service that cannot be verified from office records, distinctly state that for the excepted periods (naming them) a statement in writing by the Government employee, as well as a record of evidence of his contemporaries, is attached to the book.

The verification of service referred to above should be in respect of all service qualifying for pension whether permanent, provisional, temporary or officiating.

Before the establishment pay bills are destroyed, the periods of temporary officers as may be specially authorised by Government in this behalf, from the pay bills concerned and the fact of verification recorded under proper attestation in the service books.
and officiating service should be verified by the Heads of Offices or such other

Such officers should also invariably give necessary particulars with a view to enable the Audit Office to decide later on by reference merely to such particulars whether the temporary or officiating service will qualify for pension or not.

When a Group A, Group B, Group C and Group D employee is transferred from one office to another, the Head of the Office or such other officers as may be specially authorised by Government in this behalf under whom he was originally employed, should record in the service book under his signature the result of the verification of service, with reference to pay bills and acquittance rolls, in respect of the whole period during which the officer was employed under him, before forwarding the service book to the office where the services are transferred.

*The entries in the copy of the service book which will remain in the personal custody of the Government employee will be made up-to-date at least once a year and also when a Government employee is transferred, under proper attestation by the Head of the Office or by any other officer authorised by the Head of Office.

Any addition, alteration or overwriting in the entries made in any of the copies of the service book will not be accepted as authentic unless the same is attested by the competent authority.

The service book will be made in Bengali or in Nepali (for the Nepalese speaking Government employees) in addition to English.

(40) For the words "in any entry made across the page of the service book" substitute by the words "in the relevant column of the service book"

(41) Personal certificates of character must not unless the head of the department so directs, be entered in a service book, but if a Government employee is reduced to a lower substantive post, the reason of the reduction must be briefly shown in the relevant column.

(42) It shall be the duty of every Head of Office to initiate action to show the service book to Government employees under his administrative control every year and to obtain their signature therein in token of their having inspected the service books. A certificate to the effect that he has done so in respect of the preceding financial year should be submitted by him to his next superior officer by the 15th March of every year. The Government employees shall, inter alia, ensure before affixing their signature that their services have

been duly verified and certified as such. In the case of a Government employee on foreign service, his signature shall be obtained in his service book after the Audit Officer has made therein necessary entries connected with his foreign service.

**(43) When a Group A, Group B, Group C or Group D Government employee is transferred, whether permanently or temporarily, from one office to another, the necessary entry of the nature of the transfer shall be made in his service book, which, after being duly verified to date and attested by the Head of that Office or such other officer as may be specially authorised by Government in this behalf, shall be transmitted to the Head of the Office to which the Government employee has been transferred who will thenceforward have the book maintained in his office.

**(44) Omitted.

(45) If a Government employee is transferred to foreign service, the Head of his Office or department must send his service book to such Audit Officer as the Auditor-General may prescribe. The Audit Officer will return it after noting in it, over his signature, the order sanctioning the transfer, the effect of the transfer in regard to leave admissible during foreign service and any other particulars which he may consider to be necessary. On the Government employee's retransfer to Government service, his service book must again be sent to the Audit Officer who will then note in it, over his signature all necessary particulars connected with the foreign service. No entry relating to the time spent in foreign service may be attested by any authority other than the Audit Officer.

*(46) Omitted.

*(47) Omitted.

*(48) Omitted.

*(49) Omitted.

**Schedule I—Omitted.

Schedule II

[See rule (2) (c)]

FORM OF LEAVE ACCOUNT

Name of Government employee.....

Date of commencement/continuous service.....

Date of permanent employment.....Date of retirement.....

EARNED LEAVE

Particulars of service in the half year of a calendar year		Completed months of service in the half year of a calendar year	E.L. credited at the beginning of half year	No. of days of E.O.L. (Col. 36) availed of during the previous calendar half year
From	To			
1	2	3	4	5

E.L. to be deducted (1/10th of the period in Col. 5)	Total E.L. at credit in days (Col. 4+11—6)	Leave taken			Balance of E.L. on return from leave (Col.7-10)
		From	To	No. of days	
6	7	8	9	10	11

HALF-PAY LEAVE TAKEN

(on Private Affairs and Medical Certificate including Commuted leave and leave not due)

Length of service			Credit of leave	
From	To	No. of completed years	Leave earned (in days)	Leave at (credit Col. 15 +35)
12	13	14	15	16

Leave against the earning on half-pay			Commuted leave on medical certificate on full pay		
From	To	No. of days	From	To	No. of days
17	18	19	20	21	22

HALF-PAY LEAVE TAKEN

(on Private Affairs and Medical Certificate including Commuted leave and leave not due)

Commuted leave without Medical Certificate for studies certified to be in public interest limited to 180 days' H.P.L. converted into 90 days' commuted leave in entire service			Commuted leave converted into half-pay leave (twice of Col. 22 and 25)
From	To	No. of days	
23	24	25	26

Leave not due limited to 360 days in entire service

On Medical Certificate			Otherwise than on Medical Certificate limited to 180 days		
From	To	No. of days	From	To	No. of days
27	28	29	30	31	32

Leave not due limited to 360 days in entire service

Total of leave not due (Col. 29+32)	Total half-pay leave taken (Col. 19+26+33)	Balance of half-pay leave on return from leave (Col. 16−34)	*Other kinds of leave taken
33	34	35	36

*Here insert the nature and duration of leave taken also on deputation to other Government, etc., and also allocation of periods of leave for which leave salary is debitable to another Government/Organisation with details of leave and the name of Government/Organisation to which the same is debitable.

Note 1. The Earned leave due should be expressed in days.

Note 2. When a Government employee is appointed during the course of a half year of a particular calendar year earned leave shall be credited at the rate of 2½ days for each completed calendar month and the fraction of day will be rounded to the nearest day.

Note 3. The entires in column 6 shall be in complete days. Fraction of day shall be rounded to the nearest day.

Note 4. Period of extraordinary leave shall be noted in red ink.

Note 5. The entries in columns 12 and 13 shall indicate only the beginning and end of completed years of service at the time the half-pay leave commences. Where a Government employee completes another year of service while on half-pay leave, the extra credit shall be shown in columns 12 to 16 by making suitable additional entries and this should be taken into account while completing column 35.

APPENDIX No. 8

Concordance showing the source of each rule in the West Bengal Service Rules, Part I

N. B.—All references to the old rules in this Appendix relate to the rules in the West Bengal Service Rules, Part I (Corrected up to October 1971)

CHAPTER I—EXTENT OF APPLICATION

Rules 1—4	Based on old rules.

CHAPTER II—DEFINITIONS

Rule 5	
Clause 1	Based on old rule.
Clause 2 and notes thereunder ..	Amended under Notification No.10300F, dated 1-11-86, in view of the provisions laid down in Memo. No. 3869-F, dated 25-3-78 altering the concept of average pay.
Clause 3	Based on old rule.
Clause 4	Has been changed as per Govt. decision contained in Finance Department No. 10606-F, dated 25-9-78.
Notes 1(a)..	do.
Proviso to 1(a)	Based on Govt. decision No. 10606-F, dated 25-9-1978.
Proviso to 1(b)	Based on old rule.
Explanation (a)	Has been retained.
(b)	Has been revised in view of the upward revision of pay scales in 1981 ROPA Rules.
Note 2	Omitted in view of the new classification of services.
Notes 3—4	Based on Finance Deptt., Memo. No. 4809-F, dated 18-5-79 and Govt. decision.
Clause 6	Based on old rule.
Clause 8	Based on new classification of services.
Clauses 9—11(a) (b)	Based on old rules.
Note below 11 (b)	Based on F.D. Nos. 5532-F, dated 9-11-71 and 7970-F, dated 1-11-73.
Sub-clause (c)	Omitted as unnecessary.
From sub-clause (d) of clause 11 to clause 12 ..	Based on old rules.
Clause 13	Adopted the definition from FR and SR Vol. I.
Clause 14	Based on old rule.

Clause 15	Has been amended in view of provisions laid down in WBS (APC) Rules, 1979.
Clauses 16—20	Based on old rules.
Clause 21(a)(b)	Omitted in view of the provision laid down in No. 3868-F, dated 25-3-78
Clause 22	Adopted the definition from Govt. of India rules in FR and SR, Vol. I
Clauses 23—42	Based on old rules.
Rule 6	Based on old rule.

CHAPTER III—GENERAL CONDITIONS OF SERVICE

Rules 7—9	Based on old rules.
Note 2 below rule 9 and L.R.'s decision	Based on Govt. decision on L.R.'s advice.
Rules 10—15	Based on old rules.
Rule 16	Has been changed on the basis of rule 12 of FR and SR, Vol. I.
Rules 17—18	Based on old rules.
Rule 19	Based on old rule.
Note 1	Omitted as unnecessary.
Note 2	Based on the provisions laid down in WBS (APC) Rules, 1979 and Govt. decision thereunder.
Rule 20	
Sub-rule 1..	Based on old rule.
Sub-rule 1(b)	Omitted in view of Govt. of India rules in F.R. 14.
Sub-rule 1(c)	Based on old rule.
Sub-rule 2..	Based on F.R. 14
Sub-rule 3..	Based on old rule.
Sub-rule 4..	Based on old rule.
Notes 1 and 2	Substituted on the lines of Govt. of India rules in F.R. 14.
Rule 20	
Sub-rule 5..	Based on old rule.
Sub-rule 6..	Based on old rule.
Note 1 and 2	Has been inserted on the basis of Govt. of India rules in FR. and SR in rule 14.
Rule 21	Substituted on the lines of F.R. 14A.
Rules 22 to 25	Based on old rules.
Rule 26 and Note thereunder ..	Substituted as per amendment in F.D. No. 740-F, dated 7-1-72.

Rules 27 to 31	Based on old rules.
Note 4 below rule 31	Amended as per Govt. decision in No. 5778-F, dated 20-6-80.
Rules 32—33	Based on old rules.
Rule 34	Based on Govt. of India rules framed on Supreme Court ruling and formally adopted under Notification No. 10300-F, dated 1-10-86.
Rule 34 A and Note	Main rule based on old rule and Government decision on the advice of L R.
Rule 34 B	Based on old rule.

CHAPTER IV—DOMICILE

Rules 35—37	Based on old rules.

CHAPTER V—PAY

Rules 38 to 42	Based on old rules.
Notes 1—5 of rule 42 ..	Based on old rules.
Note 6	Based on F.D. No. 2729-F, dated 28-7-75.
Rule 42A	Based on rule 11 of WBS (ROPA) Rules, 1981, as clarified in Finance Deptt. No. 13452-F, dated 15-12-82 and also F.D. Nos. 14919-F, dated 15-12-83 and 3721-F, dated 12-4-83.
Rule 42 B	Based on rule 9 of WBS (ROPA) Rules, 1981.
Rule 43	Based on old rule.
Rule 44	Based on old rule.
Note 6 of rule 44	As amended in Notification No. 7265-F. dated 27-10-75.
Rule 45	Based on old rule.
Rules 46 and 47	Based on old rules.
Rule 48	
Clause (a) with note thereunder and Clause (b)	Based on old rules.
Note below Clause (b) ..	Omitted in view of the provisions in WBS (APC) Rules, 1979.
Clause (bb)	Based on old rule.
Clause (bbb)	Has been retained excepting the bracketed portion which is unnecessary.
Note below Clause (bbb) ..	Amendment made in view of the revised classification of services and F.D. No. 7265-F. dated 27-10-75.

Rest of the Clauses	Based on old rules.
Rule 48 A	Based on F.D. Notification No. 1084-F, dated 1-3-84 and No. 7407-F, dated 24-7-74.
Rule 49	Based on old rule.
Rule 49 A	Based on the provisions laid down in rule 10 of WBS (ROPA) Rules, 1981.
Rules 50—53	Based on old rules.
Note below Rules 52 and 53	Based on administrative instructions Nos. (2) and (3) of F.R. 29 of F.R. and S.R. Volume I.
Rule 54	
Sub-rule 1..	Based on old rule; only paragraphs have been renumbered.
Note 2 below sub-rule 1 ..	Based on amendment made in F.D. Notification No. 1867-F, dated 3-4-72.
Sub-rules 2 and 3	Based on old rules.
Sub-rule 4..	Based on Government decision.
Rule 55	
Sub-rule 1	Based on old rule.
Sub-rule 2 ..	Is a redraft on the lines of Rule 42A.
Sub-rule 4	Based on F.D. No. 3368-F, dated 18-5-73, No. 8268-F, dated 4-12-75, and No. 4066-F, dated 25-6-73.
Rule 55 A	Based on old rule.
Rule 55 B	Based on old rule; proviso is based on F.D. Notification No. 4066-F, dated 25-6-73.
Notes 1 and 2	Based on old rules.
Note 3	Based on 10107-F, dated 9-11-79.
Clause (b)	Based on old rule.
Rules 56—61	Based on old rules.

CHAPTER VI—FEES AND HONORARIA

Rule 62	
Clause (a)	Based on Finance Deptt. Memo. No. 941-F, dated 7-2-80.
Proviso	Based on old rule.
Clause (b) and Notes 1 and 2	Omitted in terms of F.D. No. 3292-F, dated 31-3-79.
Note 3	Based on old rule.

Notes 4 (a) and (b) ..	Have been modified on the basis of F.D. No. 941-F, dated 7-2-80 read with No 10109-F, dated 20-9-84.
Note 5	Omitted.
Note 6	Based on old rule.
Rule 63	Based on old rule and F.D. No. 941-F, dated 7-2-80.
Rule 64	Based on Finance Deptt. No. 3292-F, dated 31-3-79.

CHAPTER VII—COMBINATION OF APPOINTMENTS

Rule 65	Redrafted on the basis of F.R. 49 keeping in view the principles of grant of deputation allowance.
Note 4	Based on para 1(a) of Finance Deptt. No. 6725-F, dated 29-6-79.

CHAPTER VIII—DEPUTATION OUT OF INDIA

Rules 65A—69	Based on old rules.

CHAPTER IX—DISMISSAL, REMOVAL AND SUSPENSION

Rule 70	Based on old rule.
Rule 71	Based on old rules and orders and also Govt of India's provisions in F.R. 53 of F.R.S.R., Vol. I., formally adopted under notification No. 10300-F, dated 1-10-86.
Rules 72—72A and 72B.. ..	Based on old rules as amended in notifications No. 5935-F, dated 9-12-71 read with No. 652-F, dated 11-2-74 and provision in F.R. 54 of F.R.S.R., Vol. I., formally adopted under notification No. 10300-F dated 1-10-86.
Rules, 73—74A	Based on old rules.

CHAPTER X—COMPULSORY RETIREMENT

Rule 75(a)	Based on amendment made in F.D. Nos. 3426-F, dated 29-4-76, 3329-F, dated 26-4-76, 4961-F, dated 28-4-83 and 10606-F, dated 25-9-78.
Second proviso	Vide Education Department notification No. 1995-Edn(A), 1-10-81.
Note below 2nd proviso ..	Based on Government's decision.
Rule 75(aa) and Note	Based on old rules and F.R. 56(II) of F.R.S.R. Vol. I.
Rule 75(aaa) and Notes ..	Based on Govt. of India's decisions below F.R. 56 of F.R.S.R., Vol. I.

Rule 76	Based on old rule as amended under notification No. 3426-F, dated 29-4-76 and Govt. decision regarding classification of services and consequent upon pay revision in 1981.
Rules 77—79A	Based on old rules.

CHAPTER XI—JOINING TIME

Rule 80	Based on old rule and Govt. of India's rules, viz., C.C.S. (Joining Time Rules) 1979, formally adopted under notification No. 10300, dated 1-10-86.
Rule 81	As in Rule 80.
Rule 82	As in Rule 80.
Rule 83	Omitted.
Rules 84—86	Based on old rules.
Rule 87	As in Rule 80.
Rules 88—89. ...	Based on old rules.
Rule 90	
Sub-rule 1..	Based on old rule.
Note I	Omitted.
Sub-rule 2..	Based on S.R. 293A of F.R. and S.R., Vol. II.
Rule 91	
Sub-rule 1..	As in Rule 80.
Sub-rule 2..	Based on old rule.
Rule 92	Based on old rule except the concluding protion which has been modified on the model of rule 2(1) of Joining Time Rules, 1979 of Govt. of India under notification No. 10300-F, dated 1-10-86.
Rule 93	Based on old rule and Rule 7 of Joining Time Rules, 1979 of Govt. of India, formally adopted under notification No. 10300-F, dated 1-10-86.
Rule 94	Based on old rule.
Rule 95	Based on old rule.
Note	Based on F.D. No. 4728-F, dated 10-7-75.
Rule 96	Based on old rule.

CHAPTER XII—FOREIGN SERVICE

Rules 97—101 ..	Based on old rules.
Rule 102	Based on old rule and F.D. No. 3589-F, dated 6-5-76.

Rule 103	..	..	Based on old rule.
Rule 104	..	..	Clause (i) and (ii) of Sub-rule (2) amended as per F.D. notification No. 11295-F, dated 4-11-82.
Notes	..	..	Based on old rule.
Rule 105	..	..	Based on old rule.
Rule 106	..	..	Amended as per notification No. 6312-F' dated 17-5-83.
Rules 107—116	..	..	Based on old rules.

CHAPTER XIII—SERVICE UNDER LOCAL FUNDS

Rules 117—118	..	..	Based on old rules.

CHAPTER XIV—PASSAGES FROM OR TO INDIA

Rules 119—143	...	..	Based on old rules.

CHAPTER XV—LEAVE

SECTION I—GENERAL CONDITIONS

Rule 144	..	..	Based on old rule.
Rule 145	..	..	Based on rule 4 of C.C.S. (Leave) Rules, 1972 and in terms of Finance Deptt. No. 9326-F, dated 12-10-78.
Rule 146	..	..	Based on old rule and rule 5 of C.C.S. (Leave) Rules, 1972, formally adopted under notification No. 10300-F, dated 1-10-86.
Rule 147	..	..	Based on old rule and rule 9 of C.C.S (Leave) Rules, 1972 as amended by Government of India, formally adopted under notification No. 10300-F, dated 1-10-86.
Rule 148	..	..	Omitted as redundant in view of the fact that there is no difference between permanent and temporary employees in the leave matters.
Rule 149	..	..	Redrafted on the basis of Rule 34 of Government of India's C.C.S. (Leave) Rules, 1972. Formally adopted under notification No. 10300-F, dated 1-10-86.
Rule 150	..	..	Redrafted in terms of Finance Deptt. No. 3522-F, dated 6-5-81.
Rule 151	..	..	Verbal changes have been made in view of new classification of services.
Note 1	..	..	Based on old rules.
Note 2	..	..	Omitted.
Note 3	..	..	Based on old rules.

Rule 152	Verbal changes have been made in view of new classification of services.
Note 1	Omitted.
Rule 153	
Sub-rule (1)	Based on old rule.
Sub-rule (2)	Based on rule 8 of C.C.S. (Leave) Rules 1972. Formally adopted under notification No. 10300-F, dated 1-10-86.
Notes	Based on old rules.
Rule 154	Redrafted Certain portions and Notes 1 and 2 which are not relevant have been omitted.
Rule 155	Redrafted on the model of rule 22 of C.C.S. (Leave) Rules, 1972 as amended formally adopted under notification No. 10300-F, dated 1-10-86.
Rule 156	Based on old rule.
Rule 157	Redrafted excluding the portion 'or joining time'.
Rule 158	Redrafted on the model of rule 23 of C.C.S. (Leave) Rules, 1972 as amended, formally adopted under notification No. 10300-F, dated 1-10-86.
Rule 159	Based on old rule.
Rule 160	
Sub-rule 1..	Based on old rule.
Sub-rule 2..	Redrafted in view of the provisions made in Rule 34.
Rule 161	Based on old rule.
Rule 162 & Notes 1 and 2 ..	Redrafted in view of the provisions made in West Bengal Govt. Servant's Conduct Rules, 1959 and West Bengal Services (Duties, Rights and Obligations of Govt. employees) Rules, 1980.

SECTION II—LEAVE RULES

(The term revised has been omitted from the head-line and in all rules)

Rules 163—165	Based on old rules.
Rule 166	Based on old rule.
Rule 167	Redrafted on the model of Rule 11 of C.C.S. (Leave) Rules, 1972 and decisions thereunder, formally adopted under notification No. 10300-F, dated 1-10-86.

Rules 168, 168A, 168B, 168C, and 168D ..	Based on old rule and Finance Deptt. Memo. No. 3871-F, dated 25-3-1978 as amended in No. 7810-F, dated 27-7-78, No. 4118-F, dated 3-4-78, and 5638-F, dated 14-6-79 and rules 38 and 39 of C.C.S. (Leave) Rules, 1972, formally adopted under notification No. 10300-F, dated 1-10-86, Memo. No. 9046-F, dated 6-9-78 and 3190-F, dated 29-3-79 are also relevant.
Rules 169—170	Based on F.D. Nos. 3868-F, dated 25-3-78, 6029-F, dated 10-5-83, and rule 26(3) of C.C.S. (Leave) Rules, 1972 and decisions of this Government.
Rules 171—172	Based on Finance Deptt. No. 3033-F, dated 28-3-80, issued in consultation with Judicial Deptt. and Hon'ble High Court.
Rule 173	Based on amendment made in F.D. No. 8309-F, dated 10-9-80.
Note	Based on Govt. decision.
Rule 174	Based on the 2nd Pay Commission's recommendations and Govt. of India's Rules, formally adopted under notification No. 10300-F, dated 1-10-86.
Rule 175	Ditto.
Rule 176	Redrafted on the lines of Finance Deptt. Memo. No. 3869-F, dated 25-3-78 and also on C.C.S. (Leave) Rules, 1972, formally adopted under notification No. 10300-F, dated 1-10-86.

SECTION III—ORDINARY LEAVE RULES

Rules 177—194	Omitted.

SECTION IV—SPECIAL KINDS OF LEAVE

Rules 195 & 196	Based on 2nd Pay Commission's recommendations and C. C. S. (Leave) Rules, 1972 as amended.
Rule 197	Based on old rules.
Rule 198	Redrafted on the model of C. C. S. (Leave) Rules, 1972 and Finance Department No 8536-F, dated 10-10-36.
Rule 199	Redrafted on the recommendations of the 2nd Pay Commission and Rule 43 of C. C. S. (Leave) Rules, 1972, adopted under notification No. 10300-F, dated 1-10-86 and also on the Medical Termination of Pregnancy Act, 1971.

Rules 200—204	..	.. Based on old rules.
Rule 207 ..	..	.. Based on old rule.
Note I ..	..	.. Based on Note 3 below Rule 186 of the old rule which has been omitted.

SECTION V—SPECIAL PROVISIONS

Rules 208—220	..	.. Based on old rules.

SECTION VI—LEAVE PROCEDURES

Rule 221	..	.. Based on old rule.

CHAPTER XVI—OCCUPATION OF GOVERNMENT RESIDENCES

APPENDIX

Appendix 1 ..	..	.. Fresh compilations on the basis of amendments so far made.
Appendix 2 ..	..	.. Based on old Appendix as amended in F. D. NO. 1024-F, dated 5 3-75.
Appendix 3 & 4	..	.. Omitted in view of delegation of powers of sanctioning leave to more and more subordinate authorities. A 'Note' in both these Appendices has been inserted to cover the power of sanctioning leave by authorities who were empowered to do so under the existing general or special orders.
Appendix 5	..	.. Based on C. C. S. (Leave) Rules, 1972 as amended with suitable modifiations under noitfication No. 10300 F, dated 1-10-86.
Appendix 5A	..	.. Based on old Appendix.
Appendix 6		
Annexures I & II	..	.. Rule 1(b) has been amended under notification No. 10299-F, dated 1-10-86. Amendments made in Finance Department No. 445-F, dated 30-1-74, (2) 6449-F, dated 10-9-75, (3) 465-F, dated 27-1-76, (4) 6200-F, dated 2-6-78, (5) 4862-F, dated 22-4-78, (6) 4196-F, dated 30-4-78, have been incorporated.

Appendix 6A	..	. West Bengal Services (Duties, Rights, and Obligations of the Government employees) Rules, 1980 as amended under notification No. 10298-F, dated 1-10-86.
Appendix 7 ..	..	.. Based on old Appendix and revised classification of Government employees and amendments made in F. D. No. 10607-F, dated 25-9-78, No. 11914-F, dated 26-9-83, No 5400-F, dated 7-6-85
Appendix 8 ..	..	.. Concordance showing the sources of each rule in this volume.
Appendix 9	..	.. Omitted
Appendix 10	..	.. Procedure Based on old Appendix. and F. D. No. 3836 F, dated 13-5-76.
Appendix 11	..	.. Based on F. D. No. 7766-F, dated 16-10-81 and also Government of India's Rules in this regard as formally adopted under No. 10300-F, dated 1-10-86.

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APPENDIX No. 9

(Omitted)

APPENDIX No. 10

Instructions regarding the grant of Casual Leave

1. The Heads of Offices or the Heads of Departments when they themselves are the Head of Offices, may grant casual leave to the officers and staff under them, provided that where the question relates to the casual leave of the Head of the Office or the Head of the Department himself, sanction of the next higher authority to whom he is directly subordinate shall be obtained.

NOTE.—The power to grant casual leave to subordinate officers and staff may, at the discretion of the Heads of Offices or the Heads of Departments, as the case may be, delegated by them to some other officers below them if deemed necessary for administrative convenience.

**1A. Half-a-day's casual leave or compensatory casual leave, if applied for by a Government employee, may be granted to him for the forenoon session or the afternoon session, as the case may be, in cases where a Government employee may have some urgent private work which does not require a full day's casual or compensatory casual leave. For the purpose of grant of half-a-day's casual leave|compensatory casual leave, the dividing line for both forenoon and afternoon sessions for the purpose should be 1-45 p.m., i.e., a person who takes half-a-day's casual leave|compensatory casual leave, for the forenoon session is required to attend office at 1-45 p.m., and a person who takes leave for afternoon session may be allowed to leave office at 1-45 p.m. In offices which follow different office hours, the dividing line for the grant of half-a-day's casual leave|compensatory casual leave shall be adjusted suitably by the respective Head of Office.

The privilege of taking half-a-day's casual leave|compensatory casual leave shall not be admissible —

(a) on any day in which the office is not held for the full day; and

(b) on any day on which a Government employee is permitted to attend office late or leave office early by any general order.

2. (a) Casual leave is not treated as absence from duty.

No substitutes in place of officers absent on such casual leave will be allowed.

(b) The authority granting the leave should ensure as far as possible that public services do no suffer in any way from the absence of an officer on casual leave.

3. Casual leave granted in any one calendar year shall not exce[illegible] days for all offices under the Government of West Bengal nor shal[illegible] absence of more than 7 consecutive days at a time including Sund[illegible] or weekly off days except for very special circumstances to b[illegible] writing:

Provided that Sundays, holidays and weekly offs preced[illegible] falling within the period of casual leave shall not be coun[illegible] casual leave.